United Nations S/PV.6790

Security Council

Sixty-seventh year

Provisional

6790th meeting
Monday, 25 June 2012, 10 a.m.
New York

President:	Mr. Li Baodong	(China)
Members:	Azerbaijan	Mr. Mehdiyev
	Colombia	Mr. Osorio
	France	Mr. Araud
	Germany	Mr. Wittig
	Guatemala	Mr. Caballeros
	India	Mr. Hardeep Singh Puri
	Morocco	Mr. Loulichki
	Pakistan	Mr. Tarar
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Karev
	South Africa	Mr. Mashabane
	Togo	Mr. M'Beou
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2012/376)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2012/376)

The President (*spoke in Chinese*): I wish to welcome the presence of the Secretary-General, His Excellency Mr. Ban Ki-moon, and of the Minister for Foreign Affairs of Guatemala, His Excellency Mr. Harold Caballeros. Their presence here today is an affirmation of the importance of the subject matter to be addressed.

In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Argentina, Armenia, Australia, Austria, Bangladesh, Brazil, Canada, Chile, Egypt, Estonia, Finland, Greece, Indonesia, the Islamic Republic of Iran, Israel, Japan, Jordan, the Republic of Korea, Libya, Liechtenstein, Luxembourg, Mexico, the Philippines, Sri Lanka, Switzerland, Turkey, Uruguay and the Bolivarian Republic of Venezuela to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, and Mr. Ivan Šimonović, Assistant Secretary-General, United Nations Office of the High Commissioner for Human Rights, to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Philip Spoerri, Director for International Law and Cooperation of the International Committee of the Red Cross, to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Thomas Mayr-Harting, Head of the Delegation of the European Union to the United Nations, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2012/376, which contains the report of the Secretary-General on the protection of civilians in armed conflict.

I now give the floor to the Secretary-General.

The Secretary-General: The report I present today is my ninth on the protection of civilians in armed conflict (S/2012/376). Its essential thrust is clear — too many people are dying in too many places. Sometimes they are caught in crossfire; frequently they are targeted. They are the innocent victims of attacks on their communities and, often, on places that rightly should be sanctuaries — hospitals, schools and places of worship. More and more, we are witness to an appalling catalogue of sexual violence, forced disappearances, torture and other acts that violate — often egregiously — international humanitarian and human rights law.

Let us consider some of the most recent developments. Last year in Afghanistan, our Mission there reported a rise in civilian deaths. Anti-Government forces were responsible for more than 75 per cent of those killings. In Somalia, attacks by Al-Shabaab take place most frequently against unarmed civilians. Ongoing clashes between the Sudan, South Sudan and their proxies have caused many deaths, injuries and large-scale displacements of people. In the Democratic Republic of the Congo, civilians are routinely caught up in ferocious fighting between Government forces and various armed groups; too often, they are the targets of reprisals by all sides. In Côte d'Ivoire, seven peacekeepers recently lost their lives defending villagers from armed attacks from across the border with Liberia.

And in Syria, Government forces and armed groups are fighting with no apparent concern for civilian populations. Attacks are growing in frequency and brutality. As we speak, the city of Homs and other areas are being shelled. United Nations observers have risked their lives to report to the world on what they have seen. They have reported armed assaults on civilians, execution-style killings and opposition forces firing from inside hospitals.

Across that geography of conflict, we simply must do more. We must do more to protect women and children, in particular; more to prevent attacks against journalists; and more to save innocent lives.

The Security Council has made important progress over the past year and a half. We saw the power of unity in the Council in halting violence and upholding

democracy in Côte d'Ivoire. In Libya, international forces intervened to prevent a clear threat to civilians in the east after the former regime had demonstrated its readiness to carry out large-scale killings. The Council has also shown greater willingness to use targeted sanctions against those who violate international humanitarian and human rights law.

In recent months, landmark verdicts against Charles Taylor and Thomas Lubanga marked important steps for international justice and accountability. Commissions of inquiry by the Human Rights Council also found serious violations of international law in Côte d'Ivoire, Libya and Syria. I welcome the continuing role of the informal Expert Group on the Protection of Civilians.

And, of course, every day, tens of thousands of civilians continue to depend on our peacekeepers for protection. Our peacekeeping missions have made important advances in tackling this most challenging part of their mandate. They are identifying and addressing threats through political efforts to prevent violence and resolve conflict, immediate physical protection and building a broader protective environment for civilians. This includes assistance for State and local institutions to better fulfil their fundamental responsibility to protect their citizens. Drawing lessons from our experiences, we have developed new tools to improve peacekeeping efforts to carry out missions' protection mandates, including guidance on strategic planning and training.

My report highlights five continuing core challenges for civilian protection. First, parties to conflict must do more to comply with international humanitarian and human rights law. All violations require our attention and action, but some demand particular scrutiny. Among them is the growing use of explosive weapons in populated areas.

This year, my report also spotlights attacks against health-care services. According to the International Committee of the Red Cross, that has become one of the biggest yet least recognized humanitarian issues of our time.

Secondly, there is an urgent need for a more systematic engagement with non-State armed groups. That does not presume recognition, but it does require understanding on the part of the groups and their leaders of their responsibilities and the consequences of violating international humanitarian and human rights law.

Thirdly, when United Nations peacekeeping missions are mandated to protect civilians, they must have the resources and forces to do the job. Their work to directly protect civilians must be accompanied by effective political efforts to secure lasting peace and assistance to build State institutions so the peacekeepers can ultimately withdraw.

Fourthly, for civilians trapped in conflict, survival often depends on international aid. We need to do more — much more — to ensure safe, timely and unhindered humanitarian access.

Fifth is accountability. When national authorities fail to take the steps necessary to protect civilians or bring the perpetrators of war crimes and gross human rights violations to justice, I urge the Security Council to exercise strong leadership in guiding the international response.

Meeting these challenges requires political will — the will of the parties to conduct hostilities within the parameters of international law, to refrain from using explosive weapons in populated areas, to allow engagement with armed groups and open access to those in need of assistance, and to enforce discipline and hold accountable those who perpetrate violations. It also implies the will on the part of the Council to deliver on its long-standing commitment to the protection of civilians by consistently using the tools at its disposal, including the imposition of arms embargoes, targeted sanctions and referral of situations to the International Criminal Court. Beyond that, I also urge the Council and Member States to consider new approaches to preventing and responding to violations of international humanitarian and human rights law, and to ensure that the protection of civilians receives the attention it demands.

The President (*spoke in Chinese*): I thank the Secretary-General for his statement.

I give the floor to Ms. Amos.

Ms. Amos: The Secretary-General's report (S/2012/376) provides a compelling reminder of the situation that confronts civilians affected by conflict and violence, and of the pressing need to strengthen efforts to protect them. Since the submission of the report, a number of the situations to which it refers have deteriorated.

In Syria, in recent weeks we have seen an alarming intensification in the violence. The ongoing

use of artillery and tanks by Syrian security forces in populated areas is of the utmost concern, as are reports of summary executions of civilians, torture and other forms of ill-treatment by Syrian security forces and militia, including against children. Schools have been raided, used as military bases and detention centres. Hospitals and health facilities have been targeted. Anti-Government groups are also reportedly responsible for violations, including torture, summary executions and abductions.

Residents in the most affected areas are often unable to access water, food or medical care. It is imperative that civilians who wish to leave areas of fighting be allowed to do so safely. All relevant parties need to allow safe, timely and unimpeded access by humanitarian organizations to all areas affected by violence to enable the provision of assistance to people in need.

The plight of civilians in other situations also warrants our continued attention. In the Democratic Republic of the Congo, intensified military operations in North Kivu between the Congolese armed forces and the March 23 Movement (M-23) have displaced over 220,000 people since early April. Meanwhile, the redeployment of some Congolese forces to fight the M-23 has left a security vacuum elsewhere that is being exploited by the Forces démocratiques de libération du Rwanda and other armed groups in an effort to take control of mines and towns. The result is that tens of thousands of civilians have been displaced.

Continued fighting between the Sudanese Armed Forces (or SAF) and the Sudan People's Liberation Movement-North (or SPLM-N), including aerial bombardment of civilian areas by the SAF, has resulted in a sharp increase in the number of refugees fleeing to South Sudan. Those remaining in Blue Nile and Southern Kordofan urgently need assistance, yet the Sudanese Government continues to refuse humanitarian access to areas under SPLM-N control. We are in ongoing discussions on this.

In Yemen, a Government offensive to regain control of cities in the Abyan governorate has resulted in civilian deaths and injuries. Road closures and the presence of mines and unexploded ordnance have made it difficult for civilians to obtain treatment and to leave areas of fighting.

Fighting in northern Mali has forced 174,000 people to flee the country. An additional 170,000 are internally displaced. Insecurity in the north has severely restricted humanitarian access and forced a number of humanitarian organizations to cease operations. This is troubling given reports of arbitrary detentions, extrajudicial executions, sexual violence, including rape, and other violations of international humanitarian and human rights law by the parties to the conflict.

In Afghanistan, the number of internally displaced people has continued to grow, with more than 87,000 Afghans displaced in the first four months of this year. As of April, there were an estimated 408,000 internally displaced persons in the country. On a more positive note, there was a 21 per cent reduction in overall casualty figures in Afghanistan during the first four months of 2012, compared to the same period last year. However, the deaths on 6 June of 40 civilians and the wounding of 67 others in indiscriminate attacks by anti-Government elements and an airstrike by pro-Government forces underline the precarious position in which civilians find themselves. They also underline the need for all parties to take the necessary steps to spare civilians from the effects of hostilities. I welcome NATO's decision this month to cease aerial attacks on residential areas.

Lastly, I am concerned by renewed violence this month in the west of Côte d'Ivoire and between Israel and militant groups in the occupied Palestinian territory.

The Secretary-General's report provides important recommendations for addressing the five core challenges to enhance the protection of civilians. I would like to focus on four issues identified in the report.

First is the need for a comprehensive and robust arms trade treaty. The poorly regulated trade in arms and corresponding widespread availability and misuse of weapons fuel and facilitate many of the violations that that we see in armed conflict. Next month's United Nations Conference on the Arms Trade Treaty will provide an opportunity to address the humanitarian impact of the poorly regulated trade in arms.

Secondly, action is needed to address the use in populated areas of explosive weapons with wide-area effect, the humanitarian impact of which is clear in parts of Syria. More than 21,000 civilians were killed or injured by explosive weapons in 2011. Some 87 per cent of these deaths and injuries occurred in populated areas, including markets, schools, places of worship and homes.

I urge the Council to be more proactive and systematic in calling on all parties, in Syria and elsewhere, to refrain from using explosive weapons in populated areas. The Council might also consider more robust actions, such as the imposition of targeted measures against the leadership of parties that use explosive weapons in violation of applicable international law.

The third issue I would stress is the need for more systematic recording of civilian casualties. Such recording, combined with regular reporting, can confirm the causes of harm to civilians and the actions needed to end such harm, including by the Council. It also allows parties to conflict to better understand the impact of their actions, enabling them to undertake prompt corrective action to ensure their compliance with the law.

I am encouraged by the commitment of the African Union Mission in Somalia to establish a civilian casualty tracking analysis and response cell, as well as its adoption of the policy on indirect fire.

The final issue is accountability. In most, if not all, of the situations mentioned, serious violations of international humanitarian law and human rights law are being committed. The perpetrators of such acts must be held accountable, either domestically or internationally. The Security Council and Member States have a responsibility to ensure that this happens.

The workshop on accountability, convened in November 2011 jointly by the Permanent Mission of Portugal and the Office for the Coordination of Humanitarian Affairs, discussed ways in which the Council could more actively support and strengthen accountability at both the national and the international levels. I would urge the Council to engage in further dialogue with a view to taking forward the recommendations emerging from the workshop.

As the Secretary-General has reminded us, the solution to many of the problems we see in contemporary conflicts is strengthened compliance by parties to conflict with the letter and spirit of international humanitarian law and human rights law. Ensuring such compliance begins, of course, with the parties to conflict. But the responsibility is not theirs alone. It is a responsibility that is incumbent upon us all — the United Nations, its Member States and the Security Council. We can and must do more to fulfil that responsibility and ensure that the law has meaning for those it is intended to protect.

The President (*spoke in Chinese*): I thank Ms. Amos for her briefing.

I now give the floor to Mr. Šimonović.

Mr. Šimonović: I appreciate this opportunity to deliver to the Security Council, on behalf of the High Commissioner for Human Rights, this statement on the protection of civilians in situations of armed conflict.

For the purposes of today's debate, I would like to focus on the issue of accountability in the context of the Secretary-General's report (S/2012/376), and to highlight some key examples from specific country situations to illustrate practical ways by which the protection of civilians can be strengthened.

Despite efforts to restore calm in Syria, the situation deteriorates relentlessly. The Government of Syria has the obligation to ensure that civilians are adequately protected. Its use of heavy weapons and indiscriminate shelling of civilian areas cannot be justified and must cease immediately. These attacks may amount to crimes against humanity and other international crimes. Both Government and opposition forces have been involved in actions that have harmed civilians. Those responsible must be held accountable, including for attacks against United Nations observers.

I reiterate my call for the Security Council to refer the case of Syria to the International Criminal Court. A prompt referral would serve to remind the actors in Syria that they will be held to account for their failure to abide by international human rights and humanitarian law and to protect civilians. The international community must assume its responsibilities and act in unison to prevent further violations. Actions that directly contribute to escalating the violence, such as providing arms, can only result in more civilians being killed and injured.

Commissions of inquiry are important mechanisms for promoting accountability for serious violations of international human rights and humanitarian law where national authorities fail to take appropriate action. The Commission of Inquiry on Syria continues its work under its mandate from the Human Rights Council. I welcome the Security Council's increased practice of referring to the findings of commissions of inquiry established by other bodies. The Council can play an important role in enhancing the impact of the work of commissions, by requesting States and other actors to

cooperate with them, making more consistent use of the information and analysis that they produce, ensuring the protection of persons who cooperate with them and, indeed, by establishing them itself. Justice and protection of victims can be advanced by supporting the implementation of their recommendations and by considering specific follow-up actions aimed at ensuring accountability. My Office stands ready to assist the Council in this area.

As the Council considers further responses to the situation in Syria, it is worth looking at measures that have been taken to strengthen the protection of civilians in situations where more robust international action has been mandated.

Under-Secretary-General Amos has already referred to the civilian casualty tracking analysis and response cell to be established in Somalia by the African Union Mission in that country. In Afghanistan, where conflict-related violence continues to exact a heavy toll on the civilian population, especially women and children, a civilian casualty mitigation mechanism by the International Security Assistance Force is being used to track incidents in which international forces have been responsible for civilian deaths and injuries. Such mechanisms can be an effective means to document incidents that result in civilian casualties, to launch investigations and to provide remedies to some victims.

My Office is advocating for the creation of a similar mechanism within the Afghan security forces as an effective means of increasing civilian protection and accountability during the transition to full Afghan control of security. That would allow Afghan forces to perform accurate, professional and timely investigations into all incidents of civilian casualties caused by them and to reduce re-occurrences.

Enhancing accountability requires a strong and sustained commitment from the United Nations itself to ensure that human rights lie at the heart of its activities. The human rights due diligence policy on United Nations support to non-United Nations security forces is an example of the Organization taking its responsibilities seriously. It seeks to ensure that the Organization does not provide support to security forces involved in serious human rights violations, and acts to reduce the risk of violations.

In the Democratic Republic of the Congo, the implementation of the due diligence policy has led to some tangible improvements in the behaviour of the troops of the Forces armées de la République démocratique du Congo. The United Nations Joint Human Rights Office supports the implementation of the policy through a profiling project created in 2010 to identify and profile individuals in the security services allegedly responsible for violations of international humanitarian and human rights law. The information gathered on alleged perpetrators in the security services of the Democratic Republic of the Congo provides a key tool to assess risks of violence against civilians.

Today, the United Nations Mission in South Sudan (UNMISS) released a report on the shocking armed attacks on Lou Nuer and Murle communities that took place in Jonglei state in December 2011 and January 2012. The report speaks about brutal killings of men, women and children — some of them by machete. It speaks about abductions of women and children and calls for their immediate release, for accountability and for strengthening of the justice system. In March, to tackle the preponderance of small arms in those communities and the likelihood of retaliatory violence, the Government launched a programme to disarm civilians in Jonglei. Concerned about the protection risks associated with forced disarmament, UNMISS persuaded the Government to embark upon a voluntary disarmament exercise conducted with cooperation from community leaders. Integrated monitoring teams, often led by human rights officers, have undertaken more than 60 missions to the areas where disarmament is taking place to monitor conduct of the process by South Sudanese forces.

With that disarmament programme under way in South Sudan, let me join the calls made today for the adoption of a global arms trade treaty. The supply of weapons to conflict zones is directly harming civilians. The effort to address this problem is key to strengthening the protection of civilians around the world.

There are a number of other country situations that continue to concern us. Israel's illegal blockade of the Gaza Strip has been in place for five years and has led to severe restrictions of basic rights, such as the rights to food, health care and education. More than half of Gaza's 1.6 million people are children. Protecting civilians in Gaza requires that Israel lift its blockade. It also requires that all sides distinguish between combatants and civilians and avoid provocations, such as border incursions and targeted killings, which too

often lead to destruction, injury and death, as witnessed over the past week.

I am seriously concerned by the reported deaths and injuries of civilians resulting from counter-terrorism operations carried out in Yemen, but also in Pakistan and Somalia. Many of those casualties have resulted from the use of armed drones. I share the concern expressed by the Secretary-General with respect to the lack of transparency regarding the circumstances in which armed drones are used.

Allow me to conclude. The human rights monitoring and protection work undertaken by the United Nations is essential to safeguard civilians in armed conflict and elsewhere. I urge the Council to continue to include explicit provisions on protection and accountability in its resolutions. Where missions receive monitoring and other human rights mandates, they should be given the necessary material and personnel resources to carry out their duties effectively. The vast terrain and security environment in which they are often deployed may require helicopters and armoured personnel carriers. Appropriate human rights training should be provided to all peacekeepers to prepare them for their duties. The United Nations should also consider making greater use of new technologies, such as satellite imagery, in the protection of civilians. It is our responsibility to protect the lives of civilians using every tool available to us.

The President (*spoke in Chinese*): I thank Mr. Šimonović for his briefing.

I now give the floor to Mr. Spoerri.

Mr. Spoerri: The International Committee of the Red Cross (ICRC) is honoured to brief the Security Council once again and wishes to thank China, as President, for the invitation.

We commend the Secretary-General for his latest report on the protection of civilians in armed conflict (S/2012/376), which highlights several issues of great concern to the ICRC. I will limit my remarks to three of them. The first fundamental concern is threats affecting the security and delivery of health care, the second is the availability and use of arms and the third is the failure to comply with international humanitarian law. The need to improve respect for international humanitarian law and to ensure accountability for violations lies at the heart of all of those issues, which continuously confront the ICRC in its daily operational work around the world. The terrible human suffering caused by those issues can and must be reduced.

Violence against health-care workers, facilities and beneficiaries is one of the most serious yet neglected humanitarian concerns today, as the Secretary-General mentioned in his opening speech. It impedes access to and the delivery of health care in many countries. I will mention just a few examples. In Pakistan, the kidnapping and murder of an ICRC health manager earlier this year has deprived thousands of wounded patients of adequate treatment. In Somalia, hospitals have been shelled. In Libya and Syria, ambulances have been shot at. Just yesterday, in Syria, a first-aid volunteer of the Syrian Arab Red Crescent was shot and killed. That is the fourth time since last September that a member of the Red Crescent was killed while on duty. In Afghanistan, wounded people may languish for hours in vehicles held up at checkpoints. In sum, blatant disrespect for the neutral status of health facilities, transport and personnel is all too common.

In response to that reality on the ground, the ICRC has documented and analyzed hundreds of violent incidents affecting health care in 16 countries where it operates, over a two-and-a-half year period. The results of the study, published at the end of last year, show that, while the number of recorded incidents is striking, they represent only the tip of the iceberg. A single violent incident against health-care infrastructure or workers can have immeasurable longer-term repercussions on entire communities with war-related or chronic health problems.

The ICRC and some 50 National Red Cross and Red Crescent Societies subsequently raised this issue at the thirty-first International Conference of the Red Cross and Red Crescent, held in Geneva in November and December of last year. That Conference saw the adoption of a far-reaching resolution entitled "Health Care in Danger", demanding an effective response from States, national societies and the health-care community at large. The resolution called upon the ICRC to initiate consultations with all major stakeholders in order to identify and agree upon concrete measures for making the delivery of health care safer in armed conflicts and other emergencies worldwide. Such consultations are under way, aimed not at creating new international instruments or legal frameworks but rather at producing practical recommendations and measures to be implemented at the national level.

While a concerted international effort is required to tackle such major humanitarian concerns, primary responsibility clearly lies with States. The ICRC therefore makes a special plea to the members of this Council to actively support this important humanitarian endeavour.

Many threats to the security and delivery of health care stem in fact from the widespread availability and use of weapons, which is the second issue I would like to highlight today. Each year, hundreds of thousands of civilians pay a devastating price for the rampant availability and misuse of conventional weapons. Civilians remain at risk of being injured, killed or displaced by violence involving weapons, even long after a conflict has ended. That is partly a consequence of the poorly regulated international trade in conventional arms. The ICRC, in most of the contexts in which it works, is confronted with the manifold effects of inadequate control over transfers of conventional weapons. That is why the ICRC strongly supports the adoption of a global arms trade treaty.

One key objective of such an instrument must be to reduce the human cost of that availability by setting clear treaty norms for the transfer of conventional arms. An effective arms trade treaty would require States to assess whether the weapons they are transferring may be used to commit serious violations of international humanitarian law and other relevant international instruments, and to prohibit those transfers when such clear risks exist. A strong treaty would save lives, facilitate medical and other humanitarian aid and strengthen compliance with international law.

The failure to comply with international humanitarian law is the third issue that I wish to stress. As set out in the Secretary-General's report, weak compliance with international humanitarian law and the lack of accountability for violations seriously impact the protection of civilians. Fortunately, some positive developments have been observed. At the national level, there have been many measures to improve compliance and accountability, such as adopting legislation, training public officials, including security forces, and strengthening local judicial capacities. In parallel, key decisions of the international criminal tribunals have constituted major steps in the effort to ensure accountability.

Still, major challenges remain. Last year's International Conference of the Red Cross and Red Crescent endorsed ICRC proposals for further work to strengthen legal protection for people affected by armed conflict. A joint Swiss-ICRC initiative is already under way to explore with States ways to make compliance mechanisms more effective.

The Security Council has an essential role to play in reminding the parties to conflicts to fully respect the rules of international humanitarian law governing humanitarian access. It is vital, however, that all concerned understand and respect the roles played by different actors on the ground, including organizations without any judicial functions, such as the ICRC and national Red Cross and Red Crescent Societies. In that vein, it was reassuring that the Secretary-General's report explicitly recognized the diversity and specific mandates of protection actors and stressed their security and need to have access.

As we deliberate here today, civilians in many parts of the world are bearing the brunt of hostilities. The ICRC urges the States in this Council to take practical measures to counter a wide range of threats to health care, to adopt a strong arms trade treaty and to commit to strengthening legal protection for the victims of armed conflict.

Resolute action in those three areas would go a long way towards ensuring better protection of civilians everywhere.

The President (*spoke in Chinese*): I thank Mr. Spoerri for his briefing.

I will now give the floor to members of the Council.

Mr. Caballeros (Guatemala) (*spoke in Spanish*): I am pleased that my presence in New York to attend to matters unrelated to the Security Council has also given me the opportunity to join you for the third time since I became Minister for Foreign Affairs of Guatemala five months ago. I also take this occasion to thank the Secretary-General for the presentation of his ninth report on the protection of civilians in armed conflict (S/2012/376). I would also like to thank Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for her briefing today, as well as, Navi Pillay, the High Commissioner for Human Rights, for her statement, as read by Assistant Secretary-General Ivan Šimonović. I would also like to thank the Director for International Law and Cooperation of the International Committee of the Red Cross (ICRC), Mr. Philip Spoerri, for his

briefing. Their presence underscores the tremendous importance of the strengthening of informal alliances among the United Nations, the ICRC and the community of non-governmental organizations that deal with humanitarian issues and, more concretely, the protection of civilians in conflict situations. The same is, of course, true of more formal alliances in this area among the United Nations and regional and subregional organizations.

The protection of human life in general and the protection of civilian populations from the appalling consequences of armed conflict are at the core of the raison d'être of the United Nations and were the main sources of inspiration for the adoption of the Charter following the horrors of the two world wars of the twentieth century.

The majority of the reports that we have seen regarding the protection of civilians in conflict situations and its related aspects, including the protection of women and children as well as humanitarian workers, point to resolution 1265 (1999) as the starting point of a new and prolific stage of the work of the Security Council in that area.

However, it could be argued that the prevention of conflicts before they erupt — which is the core mandate of the Security Council — is the most effective manner of protecting civilians from the scourge of war. Thus the issue has underpinned the Council's activities from the outset.

Having said that, it is undeniable that starting in 1999 a qualitative leap took place in the work of the Council when it added to its generic mandate — to preserve peace and security at the international level — tangible and specific actions aimed at protecting innocent civilians from armed conflicts when, unfortunately, such conflicts occur. In the not-too-distant past, peacekeepers participating in stabilization or peacekeeping missions, unable to intervene, were forced to be the passive witnesses of serious violations inflicted by the parties to a conflict on civilian populations.

Today an increasing number of the Security Council resolutions establishing such operations contain very explicit mandates on the protection of civilians. Unlike in the past, the conflicts in question tend to be of an intra-State, not inter-State, nature. Unfortunately, the main victims of those conflicts are always innocent civilians: often boys and girls, and especially women, who suffer the most grotesque abuses against their life, dignity and fundamental human rights.

We find intolerable the images of the dead, the wounded, the crippled, the mutilated, the tortured, those who have been stripped of all their belongings and the displaced. In many cases such people have been the victims of high-powered explosives, mines or direct attacks. But such barbaric acts occur every day in different parts of the world. This is not only a disgrace to humanity; it also reflects a serious failure on the part of sovereign States that do not comply with one of their primary obligations: to protect their citizens. Speaking from my country's perspective, I would like to say that such images offend us. That is why we have participated actively through our troops in peacekeeping operations that have strong mandates to protect civilians, such as in the Democratic Republic of the Congo.

Our Government aligns itself with the policies that the Council and the Secretariat have been developing over the years. Many of those policies are set out in the presidential statement (S/PRST/2010/25), of 22 November 2010, especially in its detailed annex. We also support the conclusions and recommendations contained in the Secretary-General's ninth report (S/2012/376), presented to us today. We appreciate the updating and further development of the five core challenges identified in previous reports.

Looking ahead, we will continue to participate in the work of the informal Expert Group on the Protection of Civilians. We are also pleased to see certain issues brought into the mainstream of our deliberations — issues that had been insufficiently elaborated on in previous reports, such as the limited access to humanitarian assistance by people in need of food, water and medical supplies; attacks on humanitarian personnel, health centres and ambulances transporting the wounded to such centres; the kidnapping of humanitarian workers; the difficult situation faced by migrant workers and their families in situations of conflict; and the theft of equipment and provisions intended to be used for humanitarian assistance.

Now that we have acceded to the Rome Statute, we will insist even more forcefully on accountability for Government officials and for non-State armed groups who, in conflict situations, flagrantly violate the relevant provisions of international law and humanitarian law by deliberately attacking civilians.

Furthermore, we align ourselves with paragraph 21 of the Secretary-General's report, which basically proposes that we not politicize the noble task of humanitarian assistance. We have made no secret of our support for the norm of the responsibility to protect, which overlaps and has some aspects in common with the issue of the protection of civilians. However, we believe that the continuing debate surrounding the so-called third pillar of the responsibility to protect should not affect the integrity of the broader concept of the protection of civilians, which is rooted in humanitarian law and which is the subject of today's meeting.

In conclusion, I should like to make two points.

First, we welcome the training modules for the protection of civilians developed by the Department of Peacekeeping Operations and the Department of Field Support, and the fact that these are being offered to the military and police personnel assigned to missions with a mandate to protect civilians. That will allow us, inter alia, to develop further the considerable achievements made by the United Nations in the area of the protection of civilians in conflict situations.

Secondly, we pay tribute to all those involved in peacekeeping operations, past and present, who have undoubtedly been directly responsible for saving millions of lives. It is, however, regrettable that this task is far from being completed.

Sir Mark Lyall Grant (United Kingdom): I wish to thank you, Mr. President, for holding this important debate today, and let me also warmly thank the Secretary-General for his opening remarks. My thank also go to the Emergency Relief Coordinator, Valerie Amos; the Assistant Secretary-General of the United Nations Office of the High Commissioner for Human Rights, Ivan Šimonović; and the Director of the International Law Division of the International Committee of the Red Cross, Philip Spoerri.

I welcome the presence of the Minister for Foreign Affairs of Guatemala in the Security Council this morning, which highlights his country's strong support for this agenda, as, indeed, does Guatemala's recent adherence to the Rome Statute.

The ninth report (S/2012/376) of the Secretary-General expresses deep regret that civilians account for the vast majority of casualties in armed conflict and highlights the plight of the large number of displaced civilians. It is important that the Council hear and act on that sobering message.

As the report makes clear, ensuring the necessary degree of compliance and thereby strengthening the protection of civilians is essentially a matter of political will. The international community must play its part in helping States to fulfil their primary responsibilities under international law.

It is therefore of great concern that we continue to see humanitarian access to areas of need blocked or constrained. Humanitarian access is fundamental to the protection of civilians. We must be clear that impeding this in any way is unacceptable and a violation of Government responsibilities under international humanitarian and human rights law.

Since the last protection of civilians debate in November (see S/PV.6650), we have seen a further sharp deterioration of the situation for civilians in Syria. The Syrian regime has shamefully failed in its responsibility to protect its civilian population. Far worse, it has deliberately targeted its civilian population through the indiscriminate and disproportionate use of force. The regime has now killed around 15,000 Syrian civilians.

That is why the six-point plan of the Joint Special Envoy of the United Nations and the League of Arab States on Syria and two resolutions of this Council have demanded the withdrawal of Syrian troops and heavy weapons in order to facilitate a sustained reduction in violence. Without that first step, the violence on all sides will continue, the United Nations Supervision Mission in the Syrian Arab Republic will not be able to resume its operations and the Annan plan will fail. We have now embarked on a final effort to breathe life back into Mr. Annan's plan, but it will succeed only if the Council takes robust action to apply pressure on the regime to meet its basic commitments under the Annan plan and resolutions 2042 (2012) and 2043 (2012).

As Mr. Šimonović has just said, combating impunity is critical. We therefore commend the work of the International Criminal Court (ICC) and welcome the recent convictions for war crimes. In March, the ICC convicted the Congolese militia leader Thomas Lubanga. In April, the Special Court for Sierra Leone convicted Charles Taylor. Those verdicts are examples of how the international community will continue to challenge impunity and to shine the light of accountability in all areas. It was right that on both

occasions Council members publicly welcomed those decisions.

We remain extremely concerned about the situation in the Democratic Republic of the Congo, where civilians continue to suffer the effects of the ongoing conflict and insecurity. A security vacuum in the eastern Democratic Republic of the Congo has also allowed armed groups to regain territory and commit abuses against the population, including rape. The responsibility for providing security to the population rests with the Government of the Democratic Republic of the Congo, and we encourage all neighbouring States to support those efforts. We are working to ensure that the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo supports the Government's efforts and responds to the changing situation on the ground, ensuring that the protection of civilians remains its first priority while increasing its emphasis on stabilization activity.

In Yemen, we welcome progress made by President Mansour and his Government to move forward with political transition. The Government's clear commitment to removing the threat posed by violent extremism, notably in the south, must come with equal determination to protect civilians.

The United Kingdom continues to champion work on the protection of civilians. The informal Expert Group on the Protection of Civilians, chaired by the United Kingdom, has met regularly this year, instituting thematic and ad hoc briefings. The United Kingdom has supported the work of the African Union Mission in Somalia on the civilian casualty-tracking analysis and response cell, and we have recently launched an initiative on preventing sexual violence in conflict. Our ambition is to bring new energy and focus to efforts to combat sexual violence in situations of conflict and repression by establishing the capability to rapidly deploy a United Kingdom team of experts to investigate and catalogue sexual violence. We shall use the United Kingdom's presidency of the Group of Eight in 2013 to highlight the need to tackle this issue.

We look forward to working with Member States and existing United Nations mechanisms, such as the Team of Experts on the Rule of Law, to take this forward. In addition, we strongly support what Ms. Amos and Mr. Spoerri said this morning about the importance of rapidly moving to a conclusion of the negotiations on an arms trade treaty.

In conclusion, resolution 1894 (2009) reaffirms the Council's commitment to the protection of civilians. We must continue to act with clarity of purpose and the utmost vigour on this important issue in all theatres of war and armed conflict.

Mr. Osorio (Colombia) (*spoke in Spanish*): Allow me to welcome and thank the Secretary-General for presenting his ninth report on the protection of civilians in armed conflict (S/2012/376) and for his important briefing today. I would also like to thank Ms. Valerie Amos, Mr. Ivan Šimonović and Mr. Philip Spoerri for their detailed analyses of the matter.

The report draws attention to the need to comply with the regulations of international humanitarian law in order to reduce the impact of armed conflicts on civilians. This matter is particularly relevant to the Colombian State because we have had to defend our democratic institutions from attacks by illegal armed groups, whose warfare strategies openly violate those laws. We share the Secretary-General's concern with regard to the situation faced by civilian populations in situations of armed conflict in several parts of the world, as well as the recurrent violation of the obligation of all parties to conflict to respect and protect civilians, in accordance with international law.

We agree that all parties to conflict should promote respect for international law, that we should strengthen protection for the United Nations peacekeeping and other relevant missions, and that we should improve access to humanitarian aid and enhance accountability for violations of the law. We believe that, as noted by the Secretary-General, these issues not only pose significant challenges for actions to protect civilians, but that they also open important fields of action for the Organization and its bodies. Similarly, we understand that the report is intended as a complement to the Council's mandates in that area.

Moreover, the report refers to the importance of enhancing legal compliance by non-State armed groups and suggests that such compliance is dependent on the existence of direct contact between the United Nations and non-State armed groups. In that regard, I note that Colombia has reservations regarding the second part of that proposal. In order to further develop that typology, the report identifies a formula that may work or have worked in particular situations, and elevates it to the status of a generally applicable solution. We do not believe that one-size-fits-all solutions can work. Every

situation is different and must be approached by taking into consideration its special circumstances.

In the particular case of measures directed at non-State armed actors, in our case the suggestions contained in the report conflict with the policies adopted by the Colombian Government on the question of possible peace negotiations. We believe that the concern to enhance compliance by non-State armed actors with international humanitarian law and other relevant norms is valid, but we also believe that it is amply covered by the first core challenge, namely, enhancing compliance by parties to conflict with international humanitarian law and, in particular, the cardinal principles of distinction, proportionality and taking precautions in attacks.

The report implies that in all non-international armed conflicts, there should be ongoing and direct engagement between non-State armed groups and the relevant United Nations bodies in order to try to improve compliance with international humanitarian and human rights law. Furthermore, the report advocates greater and more systematic engagement with such groups in situations of armed conflict, and points out such engagement must be initiated as soon as possible, conducted at a high level by all parties concerned, and sustained throughout the conflict. It concludes that, while engagement will not always result in improved protection, its absence will almost certainly mean more civilian casualties in current conflicts.

Colombia cannot agree with that approach. While we accept that some of those recommendations may be successfully applied in certain situations around the world, that is not the case for every situation. For that reason, we must carefully analyse the recommendation that Member States abstain from adopting policies or other measures that impede the engagement of humanitarian organizations with certain non-State armed groups and, in particular, that impede activities to promote respect for international humanitarian law.

Based on our recent and, I may add, painful experience in Colombia, the Government of President Juan Manuel Santos Calderón has adopted the policy that any dialogue between the United Nations and the illegal armed groups that have been internationally designated as terrorist organizations can only be held with the Government's prior and explicit consent. That message comes from the Government of Colombia in cooperation with the United Nations.

Certainly, the Colombian Government wishes that those illegal armed groups and their leaders would take concrete action to abide by international humanitarian law norms and principles, but it is also firmly convinced that such compliance will not be achieved solely through direct engagement between those groups and United Nations representatives. We Colombians have already gone down that path, with results that can only be described as unfortunate.

On the other hand, the Government has been equally firm in declaring that it is willing to initiate peace negotiations with the armed groups at any time, provided that they cease attacks against civilians, abandon actions such as kidnapping and sexual violence, and refrain from recruiting and using children, actions which clearly constitute breaches of international humanitarian law and which the Government and all Colombians radically reject. Colombia would like to thank States Members of the United Nations and the Organization itself for showing understanding and respect for that policy, which will continue to be in place until the illegal armed groups operating in our country modify their behaviour and comply with international norms.

I would like to clarify that Colombia fully understands that compliance with international humanitarian law by non-State armed groups is essential in order to effectively protect civilians, and we advocate for this. Nevertheless, the existence or absence of engagement on the part of the United Nations with these groups is not a decisive factor in the application of the rules governing armed conflicts.

Focusing on the possibility of engagements of certain actors with illegal armed groups simply diverts attention from the truly fundamental issue — the lack of political will to comply with international humanitarian law. An effective guarantee of the rights of civilians during hostilities does not require engagement with non-State groups, but rather the decision on the part of those parties, either to abandon altogether the use of violence and pursue their goals through democratic debate, or, if they decide to persist in their armed struggle, to comply with international humanitarian law.

It is worth noting that the Government of Colombia has always appreciated and welcomed the commendable work carried out by the International Committee of the Red Cross as a facilitator in the liberation of

individuals kidnapped by illegal armed groups. During the past 18 years, the Government of Colombia, acting in close cooperation with the International Committee of the Red Cross and in many cases with the support of friendly Governments and civil society organizations, has made it possible for more than 1,500 people to regain their freedom.

My Government also understands and shares the concern about the issue of humanitarian access and agrees with the proposal that the alternatives stated in the Secretary-General's report aimed at reaching people in need of humanitarian assistance — such as the temporary cessation of hostilities, humanitarian pauses, humanitarian corridors, de-confliction arrangements and days of tranquillity — must be tailored to suit the particular circumstances of each conflict.

Colombia would therefore welcome an open-ended and objective debate on the constraints on humanitarian access. A serious analysis in that regard could not fail to show that international humanitarian law imposes the adaptation of military efforts to humanitarian imperatives, but it does not rule out that such efforts may have to contemplate some form of control for practical security reasons on the transit of people and goods. That includes the creation of reasonable conditions allowing civilians effective exercise of their rights and implies the existence of the safe environment needed to facilitate access to humanitarian assistance.

Colombia supports the idea, expressed in the Council's presidential statement of 22 November 2010 (S/PRST/2010/25), which calls for the protection of civilians against violence, that the promotion of peace processes and the establishment of sustainable peace and development, as well as respect for human rights and the rule of law, are of the utmost importance for the protection of civilians.

Finally, allow me to say that Colombia, as a 200-year old democracy, has solid institutions with a very complete and up-to-date legal framework. We have spared no effort to improve and complement this framework, as it is shown by our adoption of ambitious initiatives to achieve peace and reconciliation. This is the case for the transitional justice system embodied in Colombia's Justice and Peace Act of 2005, which enabled the demobilization and reintegration into society of over 30,000 combatants; the innovative mechanism for the restitution of and the granting of reparations to victims set out in the 2011 Act on Victims; and a constitutional amendment approved just a few days ago through which a new legal framework for peace is to be established.

The Government of Colombia has adopted clear policies aimed at maintaining public order and achieving peace and security, which are compatible with our international obligations and are in line with the objective of protecting civilians. I apologize, Mr. President, for speaking longer than usual.

Mr. M'Beou (Togo) (*spoke in French*): First, Mr. President, I would like to welcome your initiative to convene a public debate on the issue of the protection of civilians in armed conflict. I also thank the Secretary-General for his detailed report (S/2012/376) on the matter and for the relevant recommendations contained therein. I also welcome the presence among us of Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights; and Mr. Philip Spoerri, Director for International Law and Cooperation of the International Committee for the Red Cross. I welcome their contributions to this debate.

The protection of civilians in armed conflict throughout the world is a major concern of our time. Deliberate or accidental violence inflicted against civilians is a major source of concern for the Security Council, which has devoted many meetings and adopted several resolutions and statements on the topic in the past five years. The Secretary-General's report notes at length the persistence of violence against civilians in armed conflict. The protection of civilians in those circumstances is not a choice but an obligation under international humanitarian law, human rights law and even traditional law.

Togo is pleased that the Secretary-General has defined five core challenges that need to be met in situations of armed conflict where civilians are caught up, against their will, in combat zones. Sadly, given what often continues to take place on the ground, it is still difficult for the principles in question to be easily and swiftly applied. The Secretary-General's report cites many countries throughout the world where civilians are the targeted victims of armed conflicts. The report has the merit of noting that all parties have committed violations of humanitarian law, although it is generally recognized that the majority of those crimes can be attributed to non-State armed groups.

In Africa, the situations in the eastern part of the Democratic Republic of the Congo, Somalia, the Sudan, South Sudan in areas where the Lord's Resistance Army holds sway, and in Côte d'Ivoire during the post-election crisis of 2011, have highlighted the degree of violence and the atrocities that combatants have inflicted on civilian populations, even as they are urged to ensure the protection of non-combatants.

The violence is particularly cruelly reflected in premeditated murders, attacks against schools and hospitals, obstacles to distribution of humanitarian aid, sexual violence, forced disappearances, torture and other cruel, inhumane or degrading treatment, including the recruitment and use of children in armed conflicts or for other criminal purposes, as well as attacks against journalists and human rights defenders. Those are all reprehensible acts at variance with international standards and should, as a result, be sanctioned and punished, pursuant to the relevant international legal texts. All sides and all combatants are caught up in one or another of those aforementioned kinds of violence. Nothing — or not enough — is being done by any of the sides to ensure respect for human rights and prevent violations of such rights. One result of this is an inability to hold people accountable for their acts and a lack of political will to bring them to justice.

Violence against civilians brings about, of course, migrations towards stable areas and an exodus towards neighbouring countries. The figures of 27 million internally displaced persons and 15 million refugees are a testament to this.

The situation needs to change. Mentalities need to evolve. The law has to be enforced. The fact that the principle of proportionality is not respected and that heavy weaponry and explosive devices are being used in populated areas explains the very high number of civilians killed in armed conflict. Very often, it is vulnerable people, such as women, children, the elderly and the disabled, who bear the brunt of that violence.

What is happening currently in Syria, where civilians are caught in the crossfire between heavy artillery and aerial bombardment, is neither acceptable nor justifiable. Such acts must simply be condemned by everyone.

The protection of civilians in armed conflict should not be merely a concern felt by the international community but also a commitment at both the political and the legal levels.

The Security Council, on the basis of its previous resolutions, should continue to pressure Governments and the heads of non-State armed groups to respect people's physical integrity as well as private and public property in situations of conflict. In deciding to apply targeted sanctions against the perpetrators of violent acts, the Council should reaffirm its determination to use the necessary effective means to ensure the protection of civilians. The arrest of persons accused of violent acts and the prosecution of others are part of that determination to put an end to impunity. To be successful, such an undertaking requires the cooperation of all countries, above all those in regions where such acts are taking place.

For his part, the Secretary-General has undertaken commendable initiatives, particularly in terms of peacekeeping operations. In that respect, we are pleased that his recommendations in his report (S/2007/643) have been implemented when it comes to systematic respect for international humanitarian law on the part of peacekeeping operations and other missions authorized to use force.

As a troop-contributing country committed to upholding the rights of vulnerable groups and gravely concerned by violations of international humanitarian law by combatants, Togo has established, at its training centre in Lomé, a capacity-building programme for the protection of civilians designed for soldiers and police officers prior to their deployment in peacekeeping operations.

Besides all of those measures aimed at protecting civilians, it is vital that countries apply the provisions of the relevant international legal instruments. Under no circumstances should the perpetrators of crimes against civilians find sanctuary or protection in any Member State. Members of the Lord's Resistance Army and the warlords from eastern Democratic Republic of the Congo who are still at large must be arrested and delivered to the competent tribunals.

We believe that it is important to reiterate that respect for the law and the rules by all combatants, the protection of civilians by peacekeeping missions and other United Nations missions, humanitarian access and the protection of humanitarian workers, and accountability are the main measures that the United Nations, and in particular the Security Council, should highlight in the context of efforts to protect civilians in armed conflict. Reinforcing those measures through

training and information sessions for the benefit of military officials is necessary. But for those measures to succeed, justice needs to be rendered and the perpetrators of criminal acts need to be arrested, tried and convicted.

Mr. Moraes Cabral (Portugal): Thank you, Mr. President, for convening this important open debate. Let me also thank the Secretary-General, Under-Secretary-General Valerie Amos, Assistant Secretary-General Ivan Šimonović and Mr. Spoerri for their important contributions to the discussion of an issue of particular relevance to the work of the Council. I also wish to welcome warmly the presence of the Minister for Foreign Affairs of Guatemala, which underlines the commitment of his country to human rights and to the protection of civilians.

The report of the Secretary-General that is before us (S/2012/376) is an important document, drawing our attention again to old and new concerns affecting the situation of civilians in armed conflict, which call for serious consideration and decisive action. We share those concerns and support the recommendations of the Secretary-General.

Portugal naturally shares the views that will be expressed later on by the observer of the European Union on this subject, but allow me to underline some aspects that we consider particularly relevant.

Let me state the obvious. Attacks against civilians, wherever they take place, are unacceptable and should be vigorously condemned. Parties to conflict should abide fully by international humanitarian law and human rights law. Even if such compliance would not, in itself, reduce the violence and the suffering inherent to conflict, it would surely allow for fewer civilian casualties, less exposure of civilians to violations and less displacement of populations.

Civilians still constitute the majority of victims in conflict. Too frequently, they are deliberately targeted and used as instruments of war. Women and children are particularly victimized, be it through the sexual violence imposed on them, their recruitment to serve as combatants or their simple murder. Care providers and humanitarian aid workers and their facilities have also increasingly been targeted in a deliberate move to increase the vulnerability of the civilian victims of war. The threat posed by mines and other explosive devices in densely populated areas has also increased, with the aim of causing indiscriminate casualties and the flight of whole populations.

In fact, if we look at the different scenarios of present day conflict, be it in Syria, Afghanistan, Somalia, the Democratic Republic of the Congo, Côte d'Ivoire, the Sudan, Gaza or the areas affected by the Lord's Resistance Army, the plight and suffering of civilians has worsened, not improved. This confronts the Security Council with an increased responsibility. How can we meet that responsibility more effectively and translate our political will into increased protection of civilians, especially women and children as the most vulnerable, in the context of armed conflict? Allow me to underline three areas.

First, we believe that United Nations peacekeeping operations continue to play a crucial role in that context. Sadly, peacekeepers continue to lose their lives in order to protect civilians, as recently happened in Côte d'Ivoire. I wish to pay a humble tribute to all of them and to their courage and sense of duty.

Along with entrusting peacekeeping missions with strong protection mandates, improving the engagement of the missions with local communities and humanitarian agents can also have a positive impact in enhancing the protection of civilians. It would undoubtedly reinforce a much-needed early-warning capacity in different conflict scenarios.

But let us not dwell on illusions. Strong protection mandates, which are needed, must be accompanied with the necessary means for missions to fulfil such mandates. There is indeed a worrying trend to enhance mission mandates without sufficient consideration being given to what that entails or to the specific conditions in which peacekeepers must operate. The primary responsibility in that matter lies with the Council.

Also, for peacekeepers to engage usefully with the population, they must of course be acquainted with local conditions, be they political, social, or cultural. But more importantly, they must be able to speak the language of the country, which is too often not the case.

A second fundamental area would be to improve and ensure the access of humanitarian assistance providers to the civilian population. I fully recognize that this is easier said than done, and I pay tribute to all that the Office for the Coordination of Humanitarian Affairs and Government and non-government agencies are

trying to do in that field, amidst all types of difficulties and often confronted with deliberate opposition to their efforts.

But it is plain that, in many dire situations, denial of or constraints to humanitarian assistance are yet another instrument of war aimed at increasing the pressure on the civilian population. As such, they should be vigorously opposed, and the Security Council should act forcefully when such situations arise. Denying or impeding humanitarian access are violations of human rights and humanitarian law and should be treated as such.

A third dimension by which we could decisively increase our capacity to protect civilians is accountability. Bringing perpetrators of crimes against civilians to trial must become the norm and not the exception. Recent verdicts of the Special Court for Sierra Leone and the International Criminal Court are not only important landmarks in terms of international justice, but also demonstrate that it can be done.

Let me also take up the suggestion of Valerie Amos for more systematic recording of civilian casualties and the conditions in which they occur. That would also contribute toward strengthening accountability.

The United Nations and the Security Council, in particular, must show strong resolve in countering impunity and set the example for national judicial institutions. I believe that would have a positive effect in terms of deterrence. But it is also obvious to me that impunity and a lack of reparation for victims also hampers reconciliation efforts and, ultimately, threatens peacebuilding in post-conflict situations.

The Security Council should therefore fully utilize all the instruments at its disposal, directly or through other bodies such as the Human Rights Council, to strengthen accountability.

Let me conclude by reiterating the need for the Council to act in a consistent, determined and prompt way in increasing the protection of civilians in conflict situations, using all the available tools and in accordance with the Charter of the United Nations to fulfil that aim.

It is not only our credibility that is at stake. It is also the need to answer to the plight of millions of innocent, suffering, victims whose pleading eyes we see daily on our televisions.

Mr. Tarar (Pakistan): We thank you, Mr. President, for organizing this important debate and for your able stewardship of the Council this month. We welcome His Excellency the Foreign Minister of Guatemala to the Council. We thank the Secretary-General and the other briefers for their statements.

It has been over a decade since the Security Council started addressing themes such as the protection of civilians in armed conflict, children and armed conflict and women, peace and security. The objective behind addressing such cross-cutting themes was indeed noble and we fully support it. However, there was also some apprehension among the wider United Nations membership. Questions were raised about the Security Council's role and mandate, its ability to objectively deliver on such themes and its known inability to deliver on issues that have been on its agenda for decades.

Notwithstanding reservations, the compelling need to protect civilians in armed conflict has led to a broad consensus that such protection be pursued objectively and without politicization. Regrettably, however, we are witnessing a trend of out-of-context and selective reporting on that and other issues. The prior two reports of the Secretary-General on the protection of civilians (see S/2007/643 and S/2009/277), as well as the one under consideration (S/2012/376), extend to situations that cannot be described as armed conflict, and therefore lie outside the mandate of the report. On the other hand, the reports do not do justice to the situations on the Council's agenda, including situations of foreign occupation.

The Secretary-General's report has unwarranted references to Pakistan, which we plainly reject. Pakistan has suffered immensely from the menace of terrorism, with thousands of lives lost among its security and law enforcement bodies and civilians. Pakistan's law enforcement operation against terrorists cannot be termed as armed conflict. Therefore, we are disappointed that the authors of the report have clearly violated the mandate by mentioning Pakistan. That anomaly must be resolved.

The challenge of protecting civilians in armed conflict is exacerbated by inequity in international response. In some situations there is a quick and even robust response, and in others perpetrators enjoy virtual immunity. Many a time there has been sufficient public concern, but the political will to act was missing. The Security Council, in accordance with its mandate,

should take impartial and non-politicized action in all situations, in particular those that have been collecting dust on its agenda for decades.

For example, the Council has failed to respond to the crisis and unacceptable situation in the Gaza Strip, where over 1 million people remain in virtual incarceration and suffer from collective punishment. Such unequal attention to various situations is also evident in the priorities and activities of certain international humanitarian organizations and actors, as is clear from today's debate.

The protection of civilians is part of many United Nations peacekeeping mandates. Pakistan is the top troop-contributor to such missions and has made important contributions to carrying out their mandates. At the same time, we emphasize the need to respect host-country primacy in ensuring civilian protection. National authorities alone can maintain long-term peace and security. A peacekeeping mission protects civilians in coordination with host authorities. Its ability to do so effectively is inherently linked to resources — as indicated by the Secretary-General — as well as other elements such as training, intelligence capabilities and the configurations of various components within the mission, hence the need for realistic expectations from peacekeeping missions.

In a display of such misplaced expectations, a recent mandate revision asked peacekeepers to pre-empt threats to the civilian population. Similarly, the notion of the use of force in peacekeeping under the garb of civilian protection is not helpful. We also need careful evaluation of all legal aspects of civilian protection in peacekeeping operations.

It is important to resist the urge to use Secretariat reports to advance notions that have failed to gain any traction in intergovernmental processes. A case in point is the advocacy of a potential arms trade treaty that we have heard today. The process that may or may not lead to an arms trade treaty is still a work in progress. We should not try to prejudge its outcome.

The annex to the Secretary-General's report, on constraints on humanitarian access, deals with the issue of access in a partial manner. It overlooks the possibility that there could be legitimate reasons for restricting access. It also disregards the fact that, regrettably, not all humanitarian actors perform in accordance with the humanitarian principles of humanity, neutrality, impartiality and independence. Any debate on humanitarian access would be fruitless without complete cognizance of current realities. In that context, we would also like to recall the annex to General Assembly resolution 46/182, which requires that humanitarian assistance be provided with full respect for the sovereignty, territorial integrity and national unity of States. Humanitarian actors must conform to, and work strictly within, the framework of host country agreements.

This debate affords us an opportunity to renew our commitment to protect civilians in times of armed conflict while framing the debate in the proper context. We hope that future reports on the subject will be apolitical, objective and in strict compliance with the mandate.

Mr. Araud (France) (*spoke in French*): I thank the Secretary-General for introducing his report (S/2012/376), as well as the various speakers for their briefings.

France subscribes to the statement to be made by the observer of the European Union.

The past year has seen significant developments in the area of the protection of civilians. The Council has been able to react urgently and based upon clear principles in order to protect civilians. I would like to note the Libyan example and resolutions 1970 (2011) and 1973 (2011). We remember the thanks that the Libyan Prime Minister personally extended to the Council for having avoided the deaths of thousands of civilians.

France also welcomes the fact that the protection of civilians remains at the heart of the mandates of United Nations peacekeeping operations. In that context, two recent initiatives deserve highlighting: first, the policy of reasonable due diligence in matters of human rights established by the Secretary-General. The policy makes it possible to ensure that national security forces suspected of serious violations of human rights do not receive United Nations support. It has been implemented by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the United Nations Mission in South Sudan, and the policy should now be extended to other United Nations missions.

We also welcome the establishment within the African Union Mission in Somalia and the International Security Assistance Force of cells tasked with tallying and identifying civilian victims. Such policies could be

developed and extended to other missions so as to help identify the harm done to civilians and to enable the Security Council to respond appropriately.

The Secretary-General's report also reminds us of the challenges we continue to face in the protection of civilians. How can we avoid mentioning Syria? So far, the international community has failed to protect that country's civilian population. After 15 months of repression, resulting in almost 15,000 deaths, the majority of them civilian, Bashar Al-Assad's regime continues to violate its commitments and threaten international peace and security. The massacres in Houla and Al-Qubayr, following those in Homs and Idlib, have proved that this regime knows no bounds. Deploying a United Nations observation mission has done nothing to change its murderous behaviour. It is now more essential than ever for the Council to send a firm message to the Syrian authorities on the need to respect their commitments and the consequences they face if they continue to violate them. Those responsible for the atrocities, Bashar Al-Assad first among them, will one day answer in court for their actions.

Turning to the Democratic Republic of the Congo, the challenges to the protection of civilians there are still immense. In the short term, the innovative steps that MONUSCO has taken, such as recruiting community liaison assistants and establishing early warning networks, are essential and should continue to be expanded. In the medium and long terms, ensuring the protection of civilians demands a full-on commitment on the part of the Congolese authorities. To that end, the efforts undertaken to reform the security forces, including adopting the necessary legislative frameworks, are a step in the right direction and should be pursued and implemented.

Finally we turn to Mali, where civilian populations are hostage to the seizure of control in the north by rebel groups linked to Al-Qaida in the Islamic Maghreb. Tens of thousands of refugees and displaced persons have been forced to flee the region in order to escape the violence. The international community cannot stand idly by in the face of such a situation. The Economic Community of West African States, the African Union and the countries of the region are working on a strategy designed both to restore constitutional order in the capital and to preserve Mali's territorial integrity. It is the Council's responsibility to support those initiatives with policy.

In every area of conflict, the situation of journalists also remains worrying. In the almost six years since the Council adopted resolution 1738 (2006), 300 journalists and media professionals have lost their lives on the job, and more have been threatened, abducted or tortured. The rate of impunity for those who perpetrate violence against journalists is estimated to be 90 per cent, which is unacceptable. France supports UNESCO's Plan of Action for the Safety of Journalists. The Security Council should continue to focus on the issue.

I will conclude by recalling that the protection of civilians also involves combating impunity for those responsible for atrocities. I have mentioned this in the context of Syria. In that regard, the sentences passed on Charles Taylor, by the Special Court for Sierra Leone, and Thomas Lubanga, by the International Criminal Court (ICC), for war crimes and crimes against humanity are milestones of international criminal justice. The results of these proceedings demonstrate that no Head of State, minister or high military official — and this message must be understood in Syria — can hope to commit such crimes with complete impunity. We will not forget. It is now essential that Bosco Ntaganda, Thomas Lubanga's co-defendant, be arrested as soon as possible and brought before the ICC to answer for the crimes of which he is accused, along with all those for whom the Court has issued arrest warrants.

Mr. Mehdiyev (Azerbaijan): Allow me to begin by expressing our gratitude to the Chinese presidency for convening this open debate on the crucial issue of protecting civilians in armed conflict. I would also like to extend my special thanks to the Secretary-General for his report (S/2012/376) and briefing, as well as to the other speakers — Ms. Amos, Mr. Šimonović and Mr. Spoerri — for their presentations.

The protection of civilians in armed conflict has been a high priority on the agenda of the international community, including the Security Council, for many years. Through its resolutions, regular meetings, statements, sanctions regimes and, most importantly, the mandates of United Nations peacekeeping operations, the Council has established important standards and measures for the protection of civilians and has consistently focused international attention on this issue. However, as is also recognized in the Secretary-General's report, civilians continue to pay the highest price in the wake of armed conflicts around the world.

The challenges to civilian protection are vast, ranging from the scale of needs on the ground and challenging security environments to a lack of proper infrastructure and capacity. At the same time, the most outrageous challenges are inaction and neglect of civilians' suffering, along with the prevailing atmosphere of impunity and lack of accountability for deliberate attacks against them. In that regard, the best deterrent is undoubtedly putting a speedy end to impunity and holding to account those responsible for war crimes, crimes against humanity, genocide and other gross violations of international humanitarian law and human rights law. The recent cases involving Charles Taylor and Thomas Lubanga have sent a clear message to all perpetrators around the world that such grave crimes are never forgotten, forgiven or tolerated, even when committed by high-level figures.

Promoting a culture of impunity at the State level, including fomenting wars of aggression and hatred of one's neighbours, as well as glorifying the perpetrators of the gravest international offences, will only enable further violations of humanitarian and human rights laws, particularly in regard to depriving people of their homes as a result of continued acts of foreign military intervention, aggression and occupation. Ending impunity is thus essential to ensuring sustainable peace, justice, truth and reconciliation, and to upholding the rights and interests of victims and the well-being of society at large. All in all, the security of civilian populations is an absolute precondition for the long-lasting political settlement of conflicts and for providing development assistance in post-conflict situations.

Particular consideration must be given to the protection of civilians driven out of their homes and displaced as a result of armed conflict. The Secretary-General's report states that the number of internally displaced persons has steadily increased over the past 15 years. Azerbaijan supports the continuing efforts to raise awareness of the problem of internal displacement worldwide. We believe that the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa — the first binding document on internal displacement — will further contribute to that process.

It is crucial that recognition of the right of return, along with increased attention to its practical implementation and to concrete measures aimed at overcoming obstacles to such return, be applied more systematically by the international community. Assuring the right of return constitutes a categorical rejection of the results of ethnic cleansing and offers an important measure of justice to those displaced from their homes and land and deprived of their property, thereby removing a source of possible future tension and conflict.

My country's familiarity with the suffering of civilians in armed conflict is not based on hearsay. Some of the most serious crimes of concern to the international community, including war crimes, crimes against humanity and genocide, have been committed in the course of the Republic of Armenia's ongoing aggression against Azerbaijan. Thus, the forcible deportation of about 230,000 Azerbaijanis from their homes in Armenia at the end of the 1980s was accompanied by killings, torture, enforced disappearances and other crimes throughout Armenia. Even children were not spared.

The period from 1991, when Armenia initiated combat operations on the territory of Azerbaijan, until the establishment of the ceasefire in 1994 was marked by an increase in the magnitude, intensity and consistency of the attacks on Azerbaijani civilians. In February 1992, the Azerbaijani town of Khojaly was completely razed to the ground and its civilian population was subjected to an unprecedented massacre. The attack on, and the capture of, the town involved the extermination of more than 600 Azerbaijani civilians, including children, women and the elderly. Thousands of civilians were wounded and taken hostage, many of whom remain missing.

Despite the formal ceasefire, deliberate attacks by the armed forces of Armenia against Azerbaijani civilians and civilian objects, in contravention of applicable international law, have become more frequent and more violent over recent months, resulting in the killing and maiming of many inhabitants residing near the front line.

On 8 March 2011, a nine-year-old Azerbaijani child was shot dead by an Armenian sniper. On 14 July 2011, in the village of Alibayli, in Azerbaijan's Tovuz district, which borders on the Republic of Armenia, a 13-year-old Azerbaijani girl was killed and her 32-year-old mother was seriously wounded as a result of the blast from an explosive device built into a toy. The toy, stuffed with an explosive device, was found by the victim in the river, which has its source in the

territory of Armenia and flows through that village. According to the conclusions of the investigation, the booby-trapped toy was made in Armenia and was dropped into the river intentionally. Its target were children of neighbouring Azerbaijani settlements.

The overall assessment of the causes and the tragic consequences of the war unleashed by Armenia against Azerbaijan makes it clear that the attacks on Azerbaijani civilians, including the killing of children, are part of Armenia's widespread, deliberate and systematic policy of aggression and hatred. That policy is clearly reflected in the famous interview of 15 December 2000 with the then Defence Minister, now the incumbent President of Armenia, Serzh Sargsyan. Responding to the question as to whether things could have happened differently and whether he had any regrets about the deaths of thousands of people as a result of the Armenian attacks against Azerbaijani civilians, he said frankly that he "has absolutely no regrets", since "such upheavals are necessary, even if thousands have to die". No further comments are needed here to explain the logic and the attitude of the Armenian leadership to the issue of civilian protection.

Azerbaijan strongly condemns all attacks against civilians in situations of armed conflict. All parties to a conflict must abide by their obligations under international humanitarian and human rights law and must strictly follow the principles of distinction, proportionality and precaution in attacks. Innocent civilians should not pay the price for the lack of progress in the settlement process. Keeping civilians in constant fear by killing them, shelling their homes and inflicting serious damage on their property on almost a daily basis will not be averted by simply advocating artificial and tactically driven confidence-building measures. It will not serve as a stimulus for the other side to agree to such measures. The best confidence-building measure is showing a real desire to achieve progress in negotiations based on the norms and principles of international law and the withdrawal of occupying forces, as well as an unwavering commitment to human life.

Mr. Loulichki (Morocco) (*spoke in French*): At the outset, I would like to thank you, Mr. President, for convening this debate, which is enhanced by the presence and participation of the Secretary-General. I also thank Ms. Amos, Mr. Šimonović and Mr. Spoerri for their briefings.

Much has been accomplished since 1999 in the area of the protection of civilians in armed conflict, in particular in the humanitarian sphere and in peacekeeping operations under such a mandate. We welcome those positive developments, which must be built on. The report of the Secretary-General of 22 May (S/2012/376) rightly underscores the importance of adopting a comprehensive approach that combines the legal, humanitarian and security aspects in addressing the protection of civilians in armed conflict. The protection of civilians is a complex and multifaceted task. In order to better protect civilians and to mitigate their suffering, it is incumbent upon us to strengthen respect for international humanitarian law and to give United Nations peacekeeping operations that are mandated to protect civilians the financial, logistic and human resources to do so.

The year 2012 is one for assessing civilian protection strategies developed within peacekeeping operations. Implementing civilian protection mandates needs better coordination and a greater synergy with Headquarters, in particular the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs. The transition from the pilot stage to that of an ongoing assessment requires sustainable logistical resources, which are, unfortunately, still lacking in many missions deployed in large areas requiring a high mobility on the part of peacekeepers. The year 2012 is also one for strengthening the national capacities of a host State for it to be able to discharge its primary task, namely, the protection of its own civilians.

In that respect, it is important to deepen consideration of the relationship between security sector reform and the protection of civilians by Governments. National ownership must not remain a slogan. It requires developing coordination mechanisms between peacekeeping missions and the various national and local actors from the deployment phase to the withdrawal of the mission. The experience of the Peacebuilding Advisory Office in developing mechanisms for national ownership could be useful in that regard.

The training of staff leading peacekeeping operations is also an important aspect on which we need to capitalize. In that respect, it is necessary to mainstream the use of predeployment and training modules for peacekeeping missions by the Department of Peacekeeping Operations in close cooperation with

the troop-contributing countries, without forgetting the linguistic imperative.

In peacekeeping operations mandated to protect civilians, the ultimate goal is to facilitate a peace process by establishing an inclusive political process and by ensuring transition towards a lasting peace. In that respect, the transition topic merits more in-depth consideration of the relation between security and development with the challenges associated with the transition from peacekeeping to peacebuilding. Moreover, since the protection of civilians is inextricably linked to successful security sector reform, it is crucial to carry out disarmament, demobilization and reintegration programmes. In that regard, we believe that an additional effort should be made to finance the crucial reintegration phase and to strengthen the capacities of States in post-conflict situations.

Meanwhile, as Ms. Amos underscored earlier, the protection of civilians requires enhancing international disarmament efforts, given the human cost of a poorly regulated arms trade, as well as arms smuggling and related activities, in particular in areas in conflict situations.

At the Security Council debate of 10 May 2011 (see S/PV.6531), Morocco called on the Council to address the challenge posed by non-State actors and their lack of respect for international legal instruments. In particular, my country draws attention to the militarization of refugee camps, which makes it difficult to distinguish between combatants and non-combatants, and thus prevents humanitarian actors from accessing camps in order to carry out their work and to provide care and assistance to vulnerable people there.

We welcome the attention given by the 23 May report to that issue and in which the Secretary-General reiterates the need for non-State actors to better respect international humanitarian law and human rights law and to allow access with full security to those who need assistance. The control of civilian populations by non-State actors, and sometimes even the lack of a distinction between civilian and armed elements in the refugee camps, are major challenges that the international community must meet. The stranglehold over civilian populations by armed groups is a denial of the elementary right to protection and a failure in the duty to assist people in danger.

The Council it is seized of conflict situations in which civilians are deliberately targeted on a large scale. The use of artillery against urban zones, and the shelling of buildings and social edifices such as hospitals, schools and places of worship, are not only contrary to international humanitarian and human rights law but are, above all, unjustified and unjustifiable. It is our collective duty to put an end to it.

Finally, I cannot conclude without paying due tribute to the work carried out by the Blue Helmets, other peacekeeping troops and humanitarian workers, who are always ready for the ultimate sacrifice to protect civilians in conflict areas.

Mr. Karev (Russian Federation) (*spoke in Russian*): We thank Secretary-General Ban Ki-moon, Ms. Amos, Mr. Šimonović and Mr. Spoerri for their briefings.

The issue before us today remains extremely relevant in view of the difficult situation that prevails with respect to the protection of civilians in many of the world's hot spots. Despite the efforts of the international community and the presence of a significant international legal basis for the protection of civilians, thousands of people continue to die in conflicts. What is particularly troubling is that the majority of them are children, women and the elderly — in other words, those considered to be the most vulnerable groups in the population. We vehemently condemn deliberate attacks on civilians and their deaths as the result of indiscriminate or disproportionate use of force.

We believe that unswerving respect on the part of parties to an armed conflict for their commitments under international humanitarian law is a guarantee for the effective protection of civilians. However, that does not mean we have to dream up any new international legal or political concepts to bridge the supposed gaps in the protection regime of the Geneva conventions. In particular, we question the wisdom of proposals to designate new categories of persons requiring special protection under international humanitarian law. Such ideas can in practice only weaken protection already afforded to civilians.

To the same degree, we are alarmed at the tendency to subjective interpretation of the standards of international humanitarian law regarding the protection of civilians in armed conflict and the tendency to equate those norms with the highly ambiguous concept of the responsibility to protect. Practice has shown that invoking that concept with what initially appeared to be noble goals often leads to interference in the internal affairs of sovereign States and to violent regime change.

In that respect, we reiterate that the priority for the protection of civilians in armed conflict should be the understanding that primary responsibility in that sphere lies with the belligerents, while the international institutions and mechanisms should perform a subsidiary role, assisting national efforts in that area.

Today, there is no single set of criteria for assessing the effectiveness of implementation by the belligerents of their responsibilities to protect civilians. We think that efforts to artificially introduce such criteria are fraught with serious political manipulation and strengthen elements of intrusiveness in international relations. We believe that, when assessing efforts in that area, we need to take into account the economic, social, historical, religious, cultural and other specific aspects of countries and regions, as well as the nature of each conflict, its root causes and options for finding a settlement.

Russia believes that the adoption by the international community of any reactive measure to protect civilians that involves the use of force is possible only with the approval of the Security Council and in unswerving respect for the provisions of the Charter of the United Nations.

We regret cases of unsatisfactory implementation of Council resolutions relating to the protection of civilians. In particular, there remain a number of question marks hanging over the participants in the NATO operation in Libya regarding how the relevant Security Council resolutions were implemented in practice. All cases of the disproportionate and indiscriminate use of force during conflict that claims civilian victims need to be investigated, and the guilty brought to justice.

We call on all members of the international community to eschew indiscriminate, unilateral approaches to the issue of the protection of civilians. We believe that only strict compliance with international humanitarian law and human rights standards and unswerving implementation of relevant decisions of the Security Council can help us to resolve protracted conflicts. Moreover, we believe that the Council has sufficient capacities at its disposal and that it would be unwise to create any new specialized Security Council mechanisms for the protection of civilians.

Mr. Wittig (Germany): At the outset, I would like to thank the Secretary-General for his latest report on the protection of civilians (S/2012/376) and for his comprehensive briefing today. I also welcome the presence of Ms. Amos, Mr. Šimonović and Mr. Spoerri and commend them for their invaluable work on the protection of civilians.

Germany aligns itself with the statement to be made by the observer of the European Union later in the debate.

Civilians continue to be victims of death, injury, sexual violence and forcible displacement or are subjected to conflict-induced increases in disease, hunger and malnutrition. The violent and tragic events in Syria and ongoing developments in, for example, the Sudan, South Sudan, Mali and the Democratic Republic of the Congo remind us of that worrying fact every day.

How can we get better at protecting civilians in armed conflict? The Secretary-General has identified a number of challenges that need to be addressed, some of which I would like to touch upon.

First, there is a need to continue exploring ways to ensure that those responsible for violations of international humanitarian law are held accountable and that serious violations of international humanitarian law continue to carry not only a strong stigma but also consequences.

Encouraging progress has been made since our last debate (see S/PV.6650). The convictions of Charles Taylor by the Special Court for Sierra Leone and of Thomas Lubanga by the International Criminal Court (ICC) are significant steps forward. Those judgments send a strong signal to the perpetrators of atrocities.

When national authorities fail to take the necessary steps to ensure accountability, the Council's role should be strengthened. We therefore welcome the Secretary-General's proposal to create a checklist to guide the Council's engagement with the ICC when it considers the possibility of referrals.

Secondly, we share the view of the International Committee of the Red Cross (ICRC) that attacks against health care and other interference with it remains an underrecognized humanitarian issue. It deserves increased attention, including that of the Security Council. The recent decision by the World Health Assembly to mandate the World Health Organization to collect and report data on attacks on health care, and the Council's resolution 1998 (2011), are encouraging developments. They ensure that perpetrators of acts against hospitals and schools and related personnel will be listed in the Secretary-General's annual

report on children and armed conflict. We support the Secretary-General's view that the Council must assume a more proactive approach to preventing and responding to such incidents.

Thirdly, a central question is the application of the rule of distinction in today's military operations. Experiences in recent conflicts beg the question of how the principle of distinction is implemented in practice, in particular when conducting warfare within densely populated areas. The devastating humanitarian impact of explosive weapons in densely populated areas is a major concern in this regard. We agree with the ICRC that explosive weapons with a wide-impact area should be avoided in densely populated areas. We welcome initiatives to address this issue in a more systematic and proactive way, including possible stronger engagement of the Security Council in this regard.

We share the Secretary-General's view that there is a need for greater and more systematic engagement with non-State armed groups on compliance with international humanitarian law, while bearing in mind that engagement does not constitute political recognition of these groups. In the context of the Council's engagement on children and armed conflict, the conclusion of action plans with non-State armed groups by the United Nations to end the recruitment and use of children in armed conflict is a good example on how such engagement can successfully lead to improved compliance with international humanitarian law by non-State actors.

Fourthly, continued widespread sexual violence against women and children, as well as men, demands our attention. The pursuit of justice and accountability for such crimes remains of utmost importance. We commend the continued efforts of the Secretariat and United Nations missions on the ground to assist national and local authorities in creating more protective environments by supporting the establishment of effective rule of law and security institutions and the building of local and national civilian capacity in this regard. Germany continues to actively support such initiatives.

I now come to my fifth and final point. The absence of international standards for the trade in conventional arms has obvious negative consequences for civilians. These arms are all too often used to commit serious human rights violations on a massive scale. The international community must act now to improve control of these weapons and use the dual opportunity presented by the upcoming negotiations on the arms trade treaty and the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Germany strongly supports a strong, robust and effective arms trade treaty that is comprehensive in scope and legally binding.

In closing, I would like to briefly mention a few country situations that are of great concern to us. We remain very concerned about the humanitarian situation in Southern Kordofan and Blue Nile states of the Sudan. The situation continues to deteriorate, and people starve to death every day. Hundreds of refugees arrive every day in neighbouring South Sudan. We urge the Government in Khartoum and the Sudan People's Liberation Army-North to accept the tripartite proposal of the United Nations, the African Union and the League of Arab States, which provides for humanitarian access and the presence of humanitarian relief workers.

In the eastern Democratic Republic of the Congo, we are worried and appalled by the high numbers of civilians killed and displaced by increased attacks by armed groups using the security void left by the Congolese armed forces. In this context, the sharp increase in the recruitment of children by armed groups and mutineers is of particular concern to us. Given the persisting violence in the region, the protection of civilians needs to remain the top priority of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

Lastly, the appalling violence in Syria may be the most blatant failure these days of a Government's responsibility to protect its own people. Not only does Damascus fail to protect the Syrian people, as the commission of inquiry established by the Human Rights Council has reported, but the Syrian authorities have for months now committed systematic and gross human rights violations. We are particularly appalled and disgusted by recent reports of the use by the Syrian army of children as human shields. Opposition forces also commit abuses, which we condemn. They too must protect human rights, including those of children.

Mr. Hardeep Singh Puri (India): At the outset, I would like to thank you, Sir, for having organized today's debate on the protection of civilians in armed conflict. I would also like to thank the Secretary-General

for his report on the subject (S/2012/376) and for his incisive statement. Our thanks are also due to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Assistant Secretary-General of the United Nations Office of the High Commissioner for Human Rights, and the Director of the International Committee of the Red Cross for their statements.

It has been India's consistent view that the protection of its population is the foremost responsibility of every State. The right to life is the foundation of any social order. It is one of the fundamental rights enshrined in the constitutions of a vast number of United Nations Member States, including my own, from which no derogation is permissible even in times of emergency.

India's commitment to the right to life has been demonstrated at the international level as well. More than five decades ago, long before that term came into common usage in the Council, Indian soldiers defended the civilians of the Congo as part of the United Nations mission. Since then, our men and women in uniform have been at the forefront of turning this Council's word into deed, including through the services of the United Nations first female formed police unit. We remain at the cutting edge of many United Nations operations in places where civilians are under threat. India thus brings to this table a quantum of experience in actually protecting civilians in peacekeeping missions that is unique in its relevance and in its variety and depth.

The Security Council has been considering the protection of civilians as a thematic subject since 1999 and has adopted a number of resolutions. This issue has also been incorporated in the Council's resolutions on women, children, the protection of humanitarian workers, conflict prevention and sexual exploitation. A number of country-specific resolutions also have provisions aimed at the protection of civilians. These resolutions, taken together, have raised awareness and strengthened the international legal framework for protecting civilians in armed conflict. Unfortunately, notwithstanding the development of international humanitarian law and the efforts of the international community, civilians continue to suffer disproportionately during armed conflicts.

It is therefore necessary to take stock of what we have achieved and where we have failed and why. The latest report of the Secretary-General has identified four challenges: enhancing compliance by non-State armed groups; enhancing protection by United Nations peacekeeping and other relevant missions; improving humanitarian access; and enhancing accountability for violations.

A study undertaken by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations (DPKO) makes it clear that the major share of the blame for failures lies with the Security Council itself, which has been unable, over more than a decade, to develop a clear understanding of the nature and extent of the problem; has been unable to give clear directions about what it wants and how the DPKO should operate; and has not given credence to the voices of countries whose troops are actually deployed on the ground. As the report succinctly states, the confusion over the Council's intent is evident in the lack of policy, guidance, planning and preparedness.

It is important for the Council to act urgently to address this situation. As was made clear by the Force Commanders of United Nations missions in their briefings to the Council last week (see S/PV.6789), the primary gap facing the peacekeepers in protecting civilians is the lack of adequate resources. Without an adequate number of well-trained troops, equipped with adequate equipment, assets and enablers, the Council cannot hope to realize its aspirations for the protection of civilians in armed conflict. In that context, my delegation thinks that the Council's responsibility does not end with the generation of mandates. The Council should be held accountable if unachievable mandates are generated for political expediency or if adequate resources are not made available.

At the normative levels, there are several other issues that the Council needs to consider in the context of the role it has assumed for the protection of civilians in armed conflict.

First, the protection of civilians, when applied as a basis for Security Council action, must respect the fundamental aspects of the Charter of the United Nations, including the sovereignty and integrity of Member States. Any decision to intervene that is associated with political motives distracts from the noble principles and needs to be avoided. Also, the response of the Council and international community must be proportional to the threat involved.

Secondly, the principle of the protection of civilians must be applied in a uniform manner to all

parties to a conflict. The failure of the Council to enforce the accountability of armed groups has served to exacerbate the situation in several instances, and must be addressed.

Thirdly, in the implementation of the Council's mandate for protecting civilians, there is a need to ensure responsibility while protecting. The recent actions of some organizations and Member States have brought to the fore a considerable sense of unease about the manner in which the humanitarian imperative of protecting civilians has been interpreted for actual action on the ground. Monitoring of the manner in which the Council's mandates are implemented has therefore assumed great importance.

Fourthly, to enable States to fulfil their responsibility to protect their populations, national capacities need to be strengthened, where needed, without political or extraneous motives. That calls for enhancing support for socio-economic development and promoting inclusive political institutions. It also calls for patient work, rather than media-driven deliberations and actions.

Fifthly, the Council must resist the temptation to resort to its Chapter VII powers instead of promoting the pacific settlement of disputes under Chapter VI. In that connection, the Council must also respect international legal institutions, and not make use of them for political purposes such as regime change.

In conclusion, I would like to stress that the Council's responsibility for protecting civilians does not end with a military or police response. Civilians require humanitarian wherewithal for survival. That requires a more integrated and holistic view. Multiple stakeholders should be involved in that process, not just the military. Engagement among warring factions in a conflict situation in a nationally owned and inclusive political process is of paramount importance. Such an inclusive approach to national reconciliation, anchored in State sovereignty, is the only way to move forward and ensure the protection of civilians in an effective, pragmatic and enduring manner.

Ms. Rice (United States of America): I would like to thank the Secretary-General, Under-Secretary-General Valerie Amos, Assistant Secretary-General Ivan Šimonović and Director Philip Spoerri of the International Committee of the Red Cross for their statements. I would also like to commend the thousands of United Nations peacekeepers, observers and humanitarian and human rights workers for their dedication to protecting civilians in harm's way despite great challenges and risks.

Protecting civilians is a fundamental responsibility of the international community, and a priority for the United States. Too many situations still cry out for stronger action. We must redouble our efforts to prevent and confront abuses of civilians. Today I would like to stress three priorities for the United States, namely, ensuring safety and access for humanitarian workers, advancing accountability, and strengthening United Nations capacity.

The United States is appalled by the numbers of reports of efforts to intimidate, obstruct and harm humanitarian workers. This must stop. As stated in resolution 1894 (2009), we must take "appropriate steps in response to deliberate attacks against humanitarian personnel" (resolution 1894 (2009), para. 16(c)).

Secondly, the United States strongly rejects impunity and supports efforts to hold accountable violators of international humanitarian and human rights law. The conviction of Charles Taylor by the Special Court for Sierra Leone and the International Criminal Court's judgement against Thomas Lubanga Dyilo of the Democratic Republic of the Congo represent milestones for international justice.

There has also been steady progress in bringing to justice those responsible for mass atrocities in the former Yugoslavia and Rwanda. But many perpetrators remain at large, including the key architects of genocide in Darfur. Moreover, justice has not yet been rendered for the Walikale rapes nearly two years ago.

We support efforts to expose and document human rights abuses, and have sponsored resolutions throughout the United Nations system that stressed the need for accountability. We agree with the Secretary-General that the Security Council has not spoken out enough about the failure to prevent attacks on journalists, as called for in resolution 1738 (2006).

Thirdly, the United States remains firmly committed to working with the international community and the United Nations to protect civilians. Over the past year, the United States has conducted a comprehensive review of our own structures and capabilities, in order to develop better tools and processes to prevent atrocities. The recently released United States policy directive supports efforts by the Secretariat and United Nations

field missions to review existing capabilities, identify gaps and improve information-sharing and training.

The Secretary-General has encouraged all relevant United Nations entities to brief the Council on the protection of civilians, which is something that we strongly support. In particular, we would welcome a briefing to the Security Council on the implementation of resolution 1894 (2009), and an annual briefing on the capacity of current United Nations-mandated peacekeeping and special political missions with respect to their efforts to protect civilians, particularly to identify lessons learned and resources gaps.

In addition, we would ask that all relevant United Nations entities include in future reports to the Council information on the threats and vulnerabilities facing populations, as well as their strategies to mitigate those.

The Security Council has proved that it can act to protect civilians under threat. The perennial question remains, when will it? Last year, the Council and the broader international community took a principled stand, saving untold lives in Libya. As the Secretary-General said in his report (S/2012/376), the Council's response to the situation in Libya was decisive. The Council first referred the situation to the International Criminal Court, in resolution 1970 (2011). When Al-Qadhafi's regime remained defiant, we adopted, without opposition, resolution 1973 (2011), which contained a strong civilian-protection mandate, well understood by all members of the Council, to authorize the use of force to prevent brutal actions by that regime against the Libyan people. Those actions have given Libyans a well-deserved chance to chart a future where their sovereignty, dignity and human rights are respected.

By contrast, the situation in Syria represents a colossal failure by the Security Council to protect civilians. For over a year, the Council has not been willing to protect the Syrian people from the brutal actions of their Government. During our last debate on this topic, in November (see S/PV.6650), the High Commissioner for Human Rights estimated the death toll from months of violence at 3,500. It has at least tripled since then. The regime's relentless campaign of violence against its own people has grown ever more reprehensible, and ever more dangerous to international peace and security.

The recent suspension of operations by the United Nations Supervision Mission in Syria is a testament to the gravity of the situation. It is a shame that the Council continues to stand by rather than to stand up. We must take meaningful steps, including by imposing binding sanctions under Chapter VII, to pressure the Syrian regime to comply with the Joint Special Envoy's six-point plan and work towards a political transition that meets the legitimate aspirations of the Syrian people.

In the Sudan, the Government in Khartoum continues not only to fail to protect civilians, but to bomb civilian areas and impede the delivery of urgently needed humanitarian assistance. The United States strongly condemns the violations of international law and the human rights abuses in Darfur and the two areas. We and many others have repeatedly called on the Government of the Sudan to end its indiscriminate aerial bombardments and provide immediate and unrestricted humanitarian access in Southern Kordofan and Blue Nile States. The Sudan must also guarantee unrestricted humanitarian access to all of Darfur.

In conclusion, since the Council's presidential statement of 22 November 2010 on the protection of civilians (S/PRST/2010/25), we have witnessed robust international action to protect civilians, including in Côte d'Ivoire, the Democratic Republic of the Congo and of course Libya, as I mentioned earlier, but we have also witnessed the failure to help those in dire need. The United States remains committed to the protection of civilians and will continue working with the Council and our international partners towards that end.

Mr. Mashabane (South Africa): My delegation wishes to express our appreciation to the delegation of China for facilitating a discussion on the crucial topic of the protection of civilians.

It is important for the Council to periodically evaluate its response to the protection of civilians, because the protection of civilians from the scourge of conflict is at the core of maintaining international peace and security. If the Council is not seen to be protecting civilians and if innocent children, women and men continue to suffer on our watch, then we have failed the mandate entrusted to us. South Africa is thus fully committed to the protection of civilians in armed conflict and continues to support a strengthened normative and legal framework for enhancing such protection. In that regard, the report of the Secretary-General (S/2012/376) is welcome. That report, along with previous reports from the Secretary-General, provides us with practical

steps that the Council and Member States should adopt in order to address contemporary challenges in protecting civilians. Addressing the five core protection challenges identified in his reports remains urgent.

The Security Council has made commendable progress in including protection of civilian mandates in its decisions. The two new peacekeeping operations deployed in 2011, the United Nations Mission in South Sudan and the United Nations Interim Security Force for Abyei, both have such components. Additionally, several other United Nations peacekeeping operations, including the African Union-United Nations Hybrid Operation in Darfur and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, have developed comprehensive protection-of-civilian strategies. Those actions have operationalized the commitments made by the Council in its resolution 1894 (2009).

My delegation wishes to underscore the very encouraging and noteworthy strides made by the African Union Mission in Somalia to mitigate the killing or injury of civilians in its active military campaign in Somalia. Those commendable efforts, highlighted by the Secretary-General in his report, relate to the improved recording of casualties and its policy of "indirect fire" to mitigate harm against civilians. That also includes a component of voluntarily making amends for harm suffered as a result of lawful efforts.

While we have made important advances in protecting civilians, we must at the same time ensure that such efforts are not abused for furthering objectives that fall outside of the scope of that noble and moral endeavour and sensitive responsibility. Equally, we must ensure that the protection of civilians is not selectively pursued, as that wwould erode the credibility of the international community in pursuing that goal. It is therefore regrettable that the plight of civilians in Palestine, Afghanistan and Western Sahara is being ignored without any accountability.

A further challenge relates to the abuse of protection of civilians mandates, which erodes not only the credibility of the Council when it acts but also its ability to act. Abusing the authorization granted by this Council to advance political and regime-change agendas has created mistrust within the Security Council and has led to paralysis and inaction on the part of the Security Council when faced with similar challenges and has prevented the Council from acting resolutely in advancing the protection-of-civilians agenda. The responsibility for such failure must be borne by those who abuse the trust of the Council through idiosyncratic interpretations of protection mandates.

Another challenge relates to the use of unmanned aerial assets against targets, which inevitably leads to the killing of innocent civilians. That concern is highlighted in the report of the Secretary-General, and the United Nations High Commissioner for Human Rights, Navi Pillay, is on record as stating that drone attacks raise serious questions about compliance with international law. Those challenges to the protection of civilians underscore the importance for this Council and the international community in general to engage robustly with the concept introduced by Brazil of responsibility while protecting. Those entrusted with the protection of civilians have a stake in ensuring that our actions do not undermine the very same objectives that we seek to advance, and there has to be scrupulous compliance with international humanitarian and human rights law in carrying out those mandates.

Additionally, United Nations peacekeepers should always remain impartial in carrying out their mandates. Their mandates for protecting civilians under imminent threat could be compromised if the United Nations were perceived as being biased and found to be unable to perform on its protection mandate owing to a lack of the requisite resources and capabilities, in particular air assets. Ensuring the long-term protection of civilians requires a mission-wide response and strategy. While peacekeepers can assist States in providing immediate protection for civilians in the short term, it is only by building national institutions in the areas of the rule of law, justice and security sector reform that we can ensure the long term protection of civilians.

The Secretary-General in his report correctly places emphasis on the need to protect medical facilities, medical personnel and hospitals. Health-care personnel must be able to provide aid unhindered and in safety. This is a real and present challenge. South Africa wishes to express its condolences on the occasion of the killing of a volunteer for the Syrian Arab Red Crescent yesterday in eastern Syria. It is deplorable that that is the fourth time since last September that a member of the International Committee of the Red Cross has been killed while on duty. South Africa appreciates the excellent and outstanding work that the International Committee of the Red Cross continues to do under very challenging circumstances.

My delegation also shares the concerns of the Secretary-General with regard to the plight of migrant labourers, particularly those from sub-Saharan Africa recently caught in the conflict in Libya. Our delegation has consistently raised that concern in the context of the Libyan conflict. In that regard, we have consistently condemned all acts of killing, sexual violence, discrimination and arbitrary arrest perpetrated against migrant workers and their families.

In conclusion, we wish to underline that it remains the primary responsibility of States to protect civilians within their borders. Armed opposition groups also bear responsibility for ensuring that unarmed civilians are protected, and the failure by both State and non-State actors to uphold that principle should not go unpunished. Accountability must first and foremost be sought at the national level. Failing that, the international community has a collective responsibility to act, using mechanisms at its disposal, including independent fact-finding commissions, commissions of enquiry and the International Criminal Court. On 19 January, the Council adopted a presidential statement on justice and the rule of law (S/PRST/2012/1), which reiterated the Council's call on all parties to armed conflict to comply with the obligations applicable to them under international humanitarian law and to take the required steps to protect civilians. The Council also reaffirmed its strong opposition to impunity for serious violations of international humanitarian law and human rights law and stressed States' responsibility in that regard.

We hope that our debate today will not be a mere formality or an exercise in rhetoric but rather that the Council will, through its decisions and actions, lend its full authority to efforts to protect civilians everywhere. It is only when we carry out that responsibility consistently and without fear or favour that we can truly be the champions of "we the people" on whose behalf we act.

The President (*spoke in Chinese*): I shall now make a statement in my capacity as the representative of China.

I want to thank Secretary-General Ban Ki-moon for his statement and for his report to the Security Council (S/2012/376). I have listened attentively to the statements made by Under-Secretary-General Valerie Amos, Assistant Secretary-General Ivan Šimonović and Mr. Philip Spoerri on behalf of the International Committee of the Red Cross.

Civilians suffer the most in war and bear the brunt of its scourge. Innocent civilians caught in armed conflict, especially women and children, must receive effective protection. In recent years we have witnessed frequent outbreaks of regional conflicts and turmoil, which pose increasing challenges for the protection of civilians in armed conflict. The practice of the Security Council of assigning mandates on the protection of civilians has triggered enormous controversies and prompted deep reflection by the international community. I should like to focus on the following four points.

First, all parties to the conflict must spare no effort in protecting civilians. In the event of an armed conflict, the primary responsibility to protect civilians from violence and the scourge of war lies with national Governments. At the same time, all parties involved in conflict and other relevant domestic and foreign actors are also in duty bound to abide by international humanitarian law and other relevant provisions of international law, and to fulfil their responsibilities in the protection of civilians. The actions of one party to the conflict in violation of international law should under no circumstances constitute an excuse for any other party to breach its obligations under such law. The report of the Secretary-General makes reference to the use of drones and other challenges in the protection of civilians, all of which deserve our focused attention.

Secondly, in the process of fulfilling the duty of protecting civilians, the purposes and principles of the Charter of the United Nations must be upheld, especially the principles of respect for national sovereignty, unity and territorial integrity as well as that of non-interference in internal affairs. Operations involving the protection of civilians must be authorized by the Security Council and carried out in an orderly manner under the auspices of the United Nations. No party should arbitrarily interpret Security Council resolutions; no actions overstepping Council mandates should be allowed. The protection of civilians is humanitarian in nature and should not be exploited to serve political motives or objectives, including regime change. The rigorous and effective monitoring of the implementation of Security Council resolutions has become an important task that must be accomplished urgently.

Thirdly, the authorization of the use of force in the protection of civilians must be approached with extreme caution. China believes in the political and peaceful resolution of disputes, as military intervention

often proves counterproductive. There are serious shortcomings in such interventions, such as ill-defined responsibilities, unclear authorizations and lack of ex post facto accountability. Rather than resolving conflicts and protecting lives, military intervention adds fuel to the fire and exacerbates humanitarian crises.

Last but not least, the practice of selectivity and double standards must be abandoned. Many Member States have long been urging the Security Council to uphold the principles of fairness and impartiality and pay equal attention to all items on the Council's agenda relating to the protection of civilians, including the situations in the Gaza Strip, Somalia, Afghanistan and Iraq. China endorses such views. Adopting a practice of selectivity or double standards would only harm the role and authority of the Security Council.

I now resume my functions as President of the Council.

Before I give the floor to the representatives of States that are non-members of the Council, I wish to request that they limit their statements to no more than four minutes in order to enable the Council to carry out its work expeditiously.

I now give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): We would like to thank the Secretary-General for his report (S/2012/376), which once again makes for a sobering read. The abysmal state of the protection of civilians is, of course, first and foremost the responsibility of the parties to a conflict, including non-State armed groups. But it is also clear that the mechanisms developed and deployed by the international community so far are not sufficient. We must therefore undertake to develop effective mechanisms for monitoring compliance with the core instruments of international humanitarian law.

My remarks today will focus on the issue of accountability. In addition, my delegation aligns itself with the statement of the group of friends to be delivered by the representative of Switzerland.

We commend the Secretary-General for his initiative to undertake a review of United Nations experience in international commissions of inquiry and fact-finding mission processes. These investigative tools have increasingly been used in recent years and have time and again shown their tremendous value. We agree that United Nations support for such mandates needs to be improved and that greater dedicated capacity within the Secretariat needs to be deployed. Overall, commissions of inquiry and fact-finding missions should be able to rely on specialized back-office support and apply consistent methods and standards, at least to the extent possible in specific situations. It would also be useful to have a roster of experts available who may be called upon to serve on a commission if and when the need arises.

All of these resources should also, and especially, be available to the Office of the United Nations High Commissioner for Human Rights in particular, as the Human Rights Council has recently emerged as the leading body in establishing such commissions. We also strongly agree with the notion that such mandates should be established early in a crisis in order to prevent further violations and provide the relevant United Nations organs with a factual basis for further action. Commissions of inquiry and fact-finding missions may also provide important information for judicial processes that may be launched as a follow-up, such as investigations by the International Criminal Court. They may also form the basis for further action taken by the Security Council, as was the case in the first-ever decision to refer a situation to the International Criminal Court (ICC), with respect to the situation in Darfur.

We fully support the Secretary-General's call on the Council to begin a dialogue aimed at strengthening the Council's role in enhancing accountability at both the national and international levels. That is, in fact, in line with one of the recommendations to the Security Council that we had advocated as a member of the group of five small nations in draft resolution A/66/L.42 before the General Assembly.

One central element in that regard is a more coherent use of the Security Council's power to refer situations to the ICC. That requires predictability and a degree of consistency in choosing situations that require investigation by the ICC. In that respect, it is necessary to underline that the crisis in Syria is also a crisis of accountability. There is increasing evidence that atrocious acts amounting to crimes against humanity are being committed in the country, possibly by different parties to the conflict. Under these circumstances, it is the responsibility of the Council to have a serious discussion of the accountability dimension of the protection of civilians in Syria.

The Council's past practice with respect to referrals to the Court, seeking to exempt certain nationals from the Court's jurisdiction and thus infringing on the powers of the Court under the Rome Statute, needs to be reconsidered. Equally problematic is the past practice of implying that the United Nations may not contribute to the financing of such referrals, thus infringing on the powers of the General Assembly under the United Nations Charter and the United Nations-ICC Relationship Agreement.

Another central element is greater ownership in following up on such referrals. Whenever the Council refers a situation to the ICC, it does so on the basis of its powers under Chapter VII of the United Nations Charter. Legally, the Security Council is acting as if it were establishing its own tribunal, with its own statute, by imposing the obligations of the Rome Statute — in its entirety — upon the country concerned, a point that would perhaps be worth emphasizing in future referral decisions. That would also imply, as is currently relevant in the situation in Libya, that Court officials enjoy immunity from detention under article 48 of the Rome Statute.

The work of the Court based on Security Council referrals is thus not very different in nature from the work of the International Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda. Follow-up to referrals, in particular regarding cooperation, should therefore be much higher on the agenda of the Council. Non-cooperation with the Court in the case of Security Council referrals is as much of a problem for the Council itself as it is for the ICC. In practical terms, it may be useful to establish a forum to advance questions of cooperation with the Court at the level of a subsidiary body of the Security Council, such as, possibly, a working group on the relationship with the International Criminal Court. That would offer a useful and necessary space for concerted action on all related matters, such as notifications from the Court on non-cooperation, but also the ongoing situation regarding the detention of ICC staff in Libya. In that context, we would like to call on the authorities in Libya to release the detained ICC staff without delay. Overall, the Security Council has a very limited record in following up on the referrals it has made to the Court — a situation that needs to be rectified.

Let me conclude with a few words on the issue of reparations and amends. We agree with the Secretary-General that this issue is often overlooked and needs greater attention. It also needs a certain degree of creativity and innovation, since the sheer number of affected victims often makes individual reparation all but impossible. In that regard, we would like to commend the work of the International Criminal Court's Trust Fund for Victims, which is actively engaged in assisting affected communities as a whole. We also strongly support efforts to increase the practice by parties to conflict of offering amends to civilians harmed in the context of lawful combat operations, despite having no legal obligation to do so. Such policies underline the commitment of conflict parties to legal conduct and to minimizing civilian harm, and contribute to the preservation of the human dignity of civilians caught in the crossfire. An important prerequisite in that regard is, however, the systematic tracking of civilian harm, which in itself is indispensable for transparency and the effective monitoring of the implementation of international humanitarian law.

The President (*spoke in Chinese*): I now give the floor to the representative of Switzerland.

Mr. Seger (Switzerland): I am pleased to take the floor on behalf of the Group of Friends on the Protection of Civilians, which is composed of Australia, Austria, Belgium, Brazil, Canada, France, Germany, Italy, Japan, Liechtenstein, Norway, Portugal, the United Kingdom, Uruguay and Switzerland as the Chair.

I would like to thank you, Mr. President, for convening this important debate and for inviting Under-Secretary-General for Humanitarian Affairs Emergency Relief Coordinator Valerie Amos, Assistant-Secretary-General for Human Rights Ivan Šimonović and the Director for International Law and Cooperation of the International Committee of the Red Cross, Mr. Philip Spoerri.

The latest report of the Secretary-General on the protection of civilians (S/2012/376) is a stark reminder of the importance of our continued collective efforts to address the challenges posed by the protection of civilians in armed conflict. As we speak, more than 26 million persons are internally displaced because of armed conflicts and more than 15 million are refugees.

Finding ways of responding more effectively to the five core challenges identified by the Secretary-General in his last three reports should help the Security Council in its deliberations on protecting civilians, as parties to conflict all too often fail to comply with their obligations. The widespread violence against

women and children, as well as sexual violence, the indiscriminate use of weapons in densely populated areas, and the targeting of schools and health-care facilities are worrying and unacceptable trends that must be acknowledged. The Group of Friends believes that serious and timely consideration should be given to the concrete recommendations made by the Secretary-General in that regard in his latest report.

The Group of Friends wishes to use this opportunity to highlight the need to rebuild consensus around the concept of the protection of civilians. In our endeavour to re establish confidence, it is of the utmost importance to reaffirm the basic tenets of the protection of civilians as a legal concept based on international humanitarian law, human rights refugee law and international criminal law. Ensuring compliance with international humanitarian law, which applies to all parties to armed conflict, including the dissemination of international humanitarian law, is critical to effective protection, as emphasized in resolution 1894 (2009). Parties must be reminded time and again that even wars have limits and those limits apply to all. The Security Council must demonstrate its leadership in that regard and systematically reaffirm the basics whenever the need arises. For the protection message to be understood, it is essential to promote a positive perception of humanitarian action, devoid of any political connotation. Such a perception is also key to the safety and security of humanitarian actors, who often operate in complex environments. In that regard, the Group of Friends looks forward to the conclusion of an ongoing study on the impact of national counter-terrorism measures on humanitarian space.

The protection of civilians is a concern for everyone. We must therefore act together, by strengthening communication channels between Council members and troop — and police-contributing countries, for instance, and by improving cooperation between the Security Council and other players — Member States and civil society actors alike. To that end, the Group of Friends has been briefed by various civil society organizations working on issues that the Secretary-General has identified as likely to benefit from further research and discussion. On the issue of civilian casualty recording, for instance, the Council's discussions may benefit from an overview in the next Secretary-General's report of existing practices, as well as from specific recommendations on ways to ensure systematic and reliable data collection in compliance with humanitarian principles. Parties to conflict have a duty to assess the impact of their actions on civilians. Parties to conflict should improve documentation and transparency — complying with their obligation to investigate violations under international humanitarian law — and enable assessment by independent monitors.

The Group of Friends was also briefed on the humanitarian impact of the use of explosive weapons in densely populated areas, which was identified as an issue by the Secretary-General. We call for compliance with international humanitarian law in the use of all weapons, to ensure and strengthen international humanitarian law training for those who operate them and compliance with international humanitarian law with respect to targeting.

We also take note with interest of the increasing practice of some parties to armed conflict to offer amends in the form of recognition and assistance to civilians harmed within the lawful parameters of their combat operations, despite having no legal obligation to do so. We would encourage the promotion of the steps taken so far by warring parties committed to the protection of civilians to minimize civilian harm.

However, I cannot conclude without recalling that the primary responsibility for the protection of civilians lies with the State. When international assistance is provided, it should also be supportive of the Government's capacity to sustain longer-term efforts to protect civilians and involve all stakeholders in a spirit of cooperation that transcends the action of individual actors involved in protection. United Nations peacekeeping operations can play an important role in enhancing the host Government's capacity to protect its civilians, including through assistance in strengthening national rule of law and security institutions.

Finally, efforts towards durable solutions must not exclude accountability. The report of the Secretary-General contains several recommendations in that regard. We invite the Security Council to take them into account when formulating and renewing mandates.

(*spoke in French*)

I will now speak briefly in my national capacity. A longer version of my statement was distributed in the Chamber.

Switzerland is gravely concerned by the situation in Syria and firmly condemns the escalation of violence

against civilians. We recall that all allegations of violence must be investigated so that those responsible for such acts can be prosecuted. Whoever the perpetrators of the crimes in Syria are, they must know that they will have to answer for their acts in a court of law. Switzerland therefore asks the Security Council to refer the situation to the International Criminal Court, which is the appropriate international institution for prosecuting and judging the alleged authors of crimes against humanity and war crimes. The struggle against impunity is a necessary condition for a lasting peace.

I would also like to mention the worrying situation in the border area between the Sudan and South Sudan. We are pleased that the question of access to Blue Nile and South Kordofan states is again being dealt with specifically by the Security Council.

Humanitarian access remains a critical point in the protection agenda. In contemporary armed conflicts, securing and maintaining such access in order to assist civilians is becoming increasingly difficult. To meet that challenge, Switzerland has launched a project, in conjunction with interested partners, to develop instruments to achieve and maintain humanitarian access. Those instruments clarify the normative framework and provide practical information and advice on humanitarian access.

Non-State armed groups continue to pose a challenge to the protection of civilians, especially when it comes to convincing them of the need to improve their compliance with international law and to allow humanitarian staff access to populations needing assistance and protection.

Switzerland calls on the Council and Member States to take into account the potentially negative effects of certain measures and legislation adopted while pursuing the legitimate goal of fighting terrorism. It would be regrettable if those measures complicated or even prevented the establishment of a dialogue for purely humanitarian purposes, prevented access to vulnerable populations by humanitarian staff or weakened respect for international humanitarian law by armed groups.

The President (*spoke in Chinese*): I now give the floor to the representative of Egypt.

Mr. Khalil (Egypt) (*spoke in Arabic*): I would like to thank you, Mr. President, for China's initiative to organize this open debate. I would also like to thank His Excellency Secretary-General Ban Ki-Moon for his important briefing and for his participation in this meeting. I also express our appreciation to Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs; Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights; and Mr. Philip Spoerri, Director for International Law at the International Committee for the Red Cross.

It gives me great pleasure today to address the Council on the eve of the announcement of the first real presidential elections in Egypt. On this occasion, I would like to remind the Council of what the Egyptian President-elect said in his speech to Egyptians and the world yesterday, namely, that Egypt will respect its international treaties and legal obligations and that it intends to strengthen and support respect for human rights at the national, regional and international levels.

This debate comes at an important time, since civilians are still subject to violence, murder and destruction during armed conflicts throughout the world, especially in the region where Egypt is situated — in Africa and the Arab world, and more especially in the Syrian Arab Republic and the occupied Palestinian territories. Egypt affirms what the most recent Secretary-General's report (S/2012/376) has stated in terms of the need on the part of States and armed groups in conflicts to respect international law and international humanitarian law. All parties, especially States, must respect the principles of proportionality and differentiation in all armed conflicts. The States Members of the United Nations have a greater responsibility in that regard, in that they are essentially the ones who have the authority to use force by virtue of their laws and sovereignty. A violation of those principles does not justify the use of force by other parties.

The international community, and specifically the Security Council, must guarantee the accountability, in an entirely effective manner, of anyone responsible for violations against civilians. We also welcome the establishment of national and international commissions to investigate such violations. However, simply setting up commissions is not enough to guarantee protection or to deter violations. Such commissions must arrive at genuine, timely and effective results that serve to identify and hold responsible those responsible for targeting civilians, including compensating those who were harmed and their families, especially by States that commit such violations.

Egypt reaffirms the importance of United Nations peacekeeping missions that participate in the protection of civilians. We support enabling those missions with the necessary mandates, personnel and equipment. At the same time, we reiterate the need to bear in mind and respect the principles of the sovereignty and the culture of the countries where those peacekeeping missions are present. In that regard, we support the idea of establishing a framework to support peacekeeping missions' efforts in a manner that guarantees the protection of civilians, as well as holding them accountable for any violations that happen during the implementation of their mandates. We also support the effective follow-up by United Nations bodies on the protection of civilians, including by the General Assembly and the Human Rights Council, each according to its own specific mandate.

On this occasion, I would like to draw attention to the importance of protecting civilians from the effects of sanctions that might be imposed by the Security Council or unilaterally by countries in order to deal with specific disputes. The concept of protection must also apply to protecting the economic and social status of civilians that are not involved in hostilities.

In conclusion, on the occasion of Egypt's presidency of the Group of Arab States for this month, I would like to call for the participation of all United Nations bodies, including the Security Council, in implementing what was called for by the resolution of the League of Arab States adopted on 2 June on the need to protect civilians in Syria and provide the United Nations Supervision Mission with the necessary tools to do that, as well as to take the necessary measures and decisions according to the relevant articles of the Charter of the United Nations in order to put an end to the attacks that are targeting civilians in the Syrian Arab Republic.

Moreover, we call on the Security Council and the relevant United Nations bodies, especially the Human Rights Council, to take firm measures to put a stop to random attacks against civilians in the occupied Palestinian territories, as well as to lift the unjust siege imposed by the Israeli authorities for many years on Gaza, which is a form of collective punishment imposed on the residents of the occupied Palestinian territories in a manner that takes no account of proportionality or differentiation and clearly violates the principles of international humanitarian law.

The President (*spoke in Chinese*): I now give the floor to the representative of Australia.

Mr. Quinlan (Australia): We thank you, Mr. President, for organizing this debate. We also thank the Secretary-General, Ms. Amos, Mr. Šimonović and Mr. Spoerri for their statements. Of course, we also thank Minister for Foreign Affairs Caballero for Guatemala's leadership on the protection of civilians.

I would also like to associate Australia with the statement just delivered by the representative of Switzerland on behalf of the Group of Friends of the Protection of Civilians.

The situation in the Syria has rightly and inevitably been an important focus this morning. The deliberate targeting of civilians in the conflict is unacceptable and violates international norms and law. Those responsible must be held to account. My own country supports calls for strong action in Syria under Chapter VII of the Charter.

We also share the strong concern of others about the other situations that have been mentioned this morning, including in the Democratic Republic of the Congo, Mali, the Sudan and South Sudan.

I would like to focus my remarks, however briefly, on the distinct body of work on the protection of civilians that has evolved in the United Nations in recent years. As has been said, we must rebuild consensus about that work on the protection of civilians. The protection of civilians is intrinsic to the purpose and the identity of the United Nations. We must recall that it is also a legal concept, rooted firmly in international humanitarian, human rights and refugee law.

I would like to highlight three protection of civilians issues that require sustained attention. The first is the protection of civilians in peacekeeping operations. There has been much progress recently in ensuring that peacekeepers know how to fulfil their mandates to protect civilians — that they have the necessary training and guidance, in addition to resources and capabilities.We would like to echo the Secretary-General's recommendation that Member States utilize the new Department of Peacekeeping Operations/Department of Field Support protection of civilians modules fully. We encourage the Secretariat to continue to refine them based on feedback from the field. We are encouraged to hear about and we strongly support the development of protection of civilians

operational guidance. My own country is continuing to support the African Union in that area to develop its own protection of civilians guidance.

The protection of civilians is the primary responsibility of the host Government, and a peacekeeping mission should not be there forever. The protection of civilians will therefore only be sustainable in the long term through strengthening national capacities and institutions.

That was the subject of the fifth workshop on the protection of civilians Australia co-hosted with Uruguay two weeks ago. The results are being circulated, and the key outcomes included agreement on the importance of missions devoting sufficient attention and resources to building host Government capacities; a recognition of the importance of building rule of law and security sector institutions that are trusted and responsive; and a recognition of the need, which has been mentioned by other speakers this morning, in relation to transitions to begin planning for full handover of protection of civilians responsibilities very early. Transition processes need broad national ownership, should emphasize capacity development, and need to involve strong coordination with other partners.

My second issue is the forthcoming United Nations Conference on the Arms Trade Treaty, which begins next week. Small arms are the worst weapons of mass destruction in terms of the numbers of civilians killed and injured every day, and the life of an illicit firearm can span generations. We can only really curb armed violence through a treaty that includes small arms and light weapons and ammunition. We recognize that the treaty will present implementation challenges for many, but that should not be an argument against a strong and legally binding outcome. Australia is supporting approximately 50 delegates from developing countries to attend the Conference so that the outcome takes their interests into account. We stand ready to provide assistance for treaty implementation.

My third, and final, issue concerns the use of powerful explosive weapons in populated areas without proper regard for international humanitarian law restrictions, which is a clear violation of the limits of conflict. We support the Secretary-General's recommendations on this. We encourage greater collection of data on the issue. We welcome the Council's attention to this threat in Syria, and we encourage the Council to be systematic in its approach in this area.

In conclusion, we hope that today's discussions will serve to strengthen consensus on the protection of civilians in armed conflict and to enhance the Council's work in support of the protection of civilians. Such protection, as we know, is fundamental to the Council's purpose.

The President (*spoke in Chinese*): There are still a number of speakers remaining on my list for this meeting. Given the lateness of the hour, I intend, with the concurrence of the members of the Council, to suspend the meeting until 3 p.m.

The meeting was suspended at 1.15 p.m.